

# North Yorkshire Council

10<sup>th</sup> October 2023

## Young Peoples Pathway: Contract for the Provision of Emergency and Extended Supported Lodgings & Unaccompanied Asylum Seeking Children

### Report of the Corporate Director: Mel Hutchinson in consultation with Executive Member for Children's Services

#### 1.0 PURPOSE OF REPORT

1.1 A decision is required to vary the remaining term of the contract to make it co-terminus with the other contract in the Pathway provided by Foundation. The proposed change will be 1 October 2023 – 31 January 2025 (extension 1) 1 February 2025 – 31 July 2025 (extension 2) 1 August 2025 – 31 January 2026 (extension 3). The additional 4 months are not currently provisioned for in the contract.

#### 2.0 BACKGROUND

2.1 The Young People's Accommodation Pathways (YPP) support young people with accommodation issues including independence, maintaining family relationships, employment/education, and homelessness. There is additional element to Pathway 2 for the provision of Unaccompanied Asylum Seeking Children (UASC) focusing on integration in community, independence and reducing risk of human trafficking.

It is proposed for the Contract to firstly be varied to add in an additional 3 UASC beds, which are to meet the additional need for UASC accommodation. This is from the 1 October 2023 and will be subject to the same reporting requirements and KPI's as the current 5 beds in the contract.

We are also seeking to utilise the first provisioned extension in the contract but change the term of this to make the contract co-terminus with the other contract in the Pathway provided by Foundation (1 October 2023 to 31 January 2024). Furthermore, there would also be an additional 4 months on top of these to extend the contract to 31 January 2026 to allow for a full re-procurement of the service and for the new service to start at the same time.

#### 3.0 [DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE]

3.1 If the variation not agreed there is a risk that some young people being made homeless. There is also a risk that there would be a knock-on effect of larger waiting lists in other accommodation areas. In addition, there is a potential risk for some Young People in which hostel type environments are not suitable. There is also a potential risk to the wider re-procurement and transformational piece of work to the wider pathway.

#### 4.0 CONTRIBUTION TO COUNCIL PRIORITIES *(insert or delete)*

4.1 The variation to the term to align the contracts will allow for the full review and re-procurement of all elements of the Young People's Pathway to achieve the savings target of £1m .

## **5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 Extending as provisioned in the contract but this will make the contract out of sync with the other contract with the Pathway and cause additional complexities with misaligned start dates for new provisions or break in service.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 There is additional costs to NYC associated with this (please see the confidential appendix for a breakdown of this)

## **7.0 LEGAL IMPLICATIONS**

7.1 Extension 1 and Extension 2 are unlikely to be an issue. Whilst this is a variation to the contract, Extension 1 and 2 are still within the term of the Original Contract, albeit the dates for the actual extensions are amended, there is minimal impact on the contract itself. In regard to the additional 3 UASC beds and the extension of the term for an additional 4 months beyond the term of the Original Contract, this would likely be covered by;

Low Value Variations (regulation 72(5))

Variations/extensions are permitted without the need to undertake a new procurement procedure if the value of the proposed variation/extension is less than both:

- The applicable threshold (for NYC this is currently £213,447 inclusive of VAT for supplies and services, £5,336,937 inclusive of VAT for works , £663,540 inclusive of VAT for Light Touch Services); and
- 10% of the original contract value for service and supply contracts or 15% of the original contract value for works contracts.

The estimated additional spend under the proposed extension/ variation represents an increase in spend of approximately 11%. The proposed variation falls just outside this exemption. However, the fact that the value is close to this de-mimus exception is reassuring.

Non Substantial changes Regulation 72(1)(e)

Variations/extensions are permitted without the need to undertake a new procurement procedure where the variation is not substantial. A variation is substantial where one or more of the following conditions is met:

- (a) the variation renders the contract or the framework agreement materially different in character from the one initially concluded;
- (b) the variation introduces conditions which, had they been part of the initial procurement procedure, would have—
  - (i) allowed for the admission of other candidates than those initially selected,
  - (ii) allowed for the acceptance of a tender other than that originally accepted, or
  - (iii) attracted additional participants in the procurement procedure;
- (c) the variation changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement; and
- (d) the variation extends the scope of the contract or framework agreement considerably.

Based on the above include advice on likelihood of variation being considered substantial is low. The variation/ extension does not extend the contract by a significant amount, and is being done to bring in line with the other Pathway so it can all be re-procured. The additional UASC beds is close in scope to what was originally contracted for.

Broadly:

- lower value changes are less likely to be considered substantial;
- the closer the variation in scope is to what was originally contracted for – the less likely to be considered substantial;
- changes in favour of the authority are less likely to be considered substantial;
- extensions to term can be substantial- shorter extensions are less risky.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 There are none identified

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 There are none identified

## **10.0 PERFORMANCE IMPLICATIONS**

10.1 There are no additional actions for the Provider as the additional beds are subject to the same KPI's and reporting as already provisioned in the contract. The Provider is performing in line with the contract and have a good working relationship with NYC. They attend the quarterly monitoring meetings and submit the required detailed reports in a timely manner.

## **11.0 REASONS FOR RECOMMENDATIONS**

11.1 The Contract is firstly being varied to add in an additional 3 UASC beds, which are to meet the additional need for UASC accommodation. This is from the 1 October 2023 and will be subject to the same reporting requirements and KPI's as the current 5 beds in the contract. The additional cost for these beds is £33,608.40 PA.

We are also seeking to utilise the first provisioned extension in the contract but change the term of this to make the contract co-terminus with the other contract in the Pathway provided by Foundation (1 October 2023 to 31 January 2024). Furthermore, there would also be an additional 4 months on top of these to extend the contract to 31 January 2026 to allow for a full re-procurement of the service and for the new service to start at the same time.

## **12.0 RECOMMENDATION(S)**

i) It is recommended from 1 October 2023 to vary the contract to include an additional 3 UASC beds.

ii) It also recommended to utilise the first provisioned extension in the contract but change the term of this to make the contract co-terminus with the other contract in the Pathway provided by Foundation (1 October 2023 to 31 January 2024). Furthermore, there would also be an additional 4 months to extend the contract to 31 January 2026 to allow for a full re-procurement of the service

## **APPENDICES:**

Appendix A – Gateway 4 (Confidential)

## **BACKGROUND DOCUMENTS:**

Gateway 4 (Confidential)

Mel Hutchinson  
Assistant Director – Children and Families Service  
County Hall  
Northallerton  
20/09/2023

Report Author – Rosie Wilkinson – Contract Officer (People)  
Presenter of Report – Alan Tucker - Placement and Fostering Manager

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.