

REPORT OF
The Strategic Director for People
TO
Procurement Board
ON
02.09.20

TITLE: Approval for an Exception to Contractual Standing Orders to award a variation to the Gaddum Carers Service contract to encompass Bereavement and Palliative Care Counselling for children and young people.

RECOMMENDATION:

That the Procurement Board approves an exception to Contractual Standing Orders as permitted within the City Council Constitution for the reason(s) highlighted in the table below and approve a variation to the Contract for the Carer's Service as detailed in the table below:

Detail required	Answers
Title/Description of Contracted Service/Supply/Project	Variation of the Carer's Service contract to include 'Bereavement and Palliative Care Counselling
Name of Successful Contractor	The Gaddum Centre
Supplier Registration Number <i>(to be supplied by Corporate Procurement)</i>	Charity – 507162 Company – 1348975
Type of organisation <i>(to be supplied by Corporate Procurement)</i>	Registered Charity
Status of Organisation <i>(to be supplied by Corporate Procurement)</i>	SME
Contract Value	£80,486.73 (£59,636 of which additional non recurrent funding) Per Annum (estimated average)
Contract Duration	(For additional funding) 12 months from 01.07.20 to 30.06.21, plus option to extend for further 12 months
Contract Start Date	01/10/2020

Detail required	Answers
Contract End Date	30/09/2021
Optional Extension Period 1	01/10/2021 – 30/09/2022
Optional Extension Period 2	
Who will approve each Extension Period?	Strategic Director (extension < £150k)
Contact Officer (Name & number)	
Lead Service Group	People Services
Reason for CSO Exception (select all that apply)	<p>The goods / services / works are only obtainable from one provider and there is no other provider available to allow genuine competition <input checked="" type="checkbox"/></p> <p>The execution of works or the supply of goods or services is controlled by a statutory body <input type="checkbox"/></p> <p>Delivers Best Value to the Council <input checked="" type="checkbox"/></p> <p>Special education, health or social care contracts, if it is considered in the Council's best interests and to meet the Council's obligations under relevant legislation <input checked="" type="checkbox"/></p> <p>The execution of works or the supply of goods and services is required so urgently as not to permit compliance with the requirements of competition <input checked="" type="checkbox"/></p> <p>Security works where the publication of documents or details in the tendering process could prejudice the security of SCC and Salford residents <input type="checkbox"/></p> <p>Procurements made through, or on behalf of, any consortium, local authority, statutory or similar body, provided that tenders or quotations are invited and contracts placed in accordance with national or EU legislation. <input type="checkbox"/></p>
Funding Source	External Funding Source (please identify below)
Ethical Contractor	<p>Mayor's Employment Charter <input checked="" type="checkbox"/></p> <p>Committed to sign up to the Charter <input checked="" type="checkbox"/></p> <p>Accredited Living Wage Employer <input checked="" type="checkbox"/></p>

EXECUTIVE SUMMARY:

The purpose of this report is to request an exception to Contractual Standing Orders to approve the variation to the Gaddum Carer's Service contract to encompass Bereavement and Palliative Care Counselling for children and young people.

Gaddum has delivered Bereavement and Palliative Care Counselling Services for children and young people in Salford for over 10 years already and is funded by Salford CCG. The services were reviewed in 2019 via CCG and Council joint governance due to waiting time issues in the Bereavement Counselling Service linked to limited service

capacity and funding. Through this process it was agreed that further investment was needed to ensure sufficient capacity to adequately meet the needs of children and young people and their families who are experiencing difficulties due to bereavement.

However, it was agreed that a business case for increased investment required a needs assessment and understanding of the wider children and young people's counselling provision in Salford and within GM/Nationally. An evaluation of children and young people's counselling has now been jointly commissioned by the Council and CCG to University of Salford and is due to commence in October 2020.

In the meantime, additional risks have been identified related to increased service capacity pressures due to COVID -19 and the new pan-GM bereavement support service which is now actively promoting locality based services and sign posting people to these, including the Salford Gaddum Bereavement Counselling Service. As a result, the initial review reports and recommendations about Gaddum's Bereavement Counselling Service have been reconsidered by CGG and Council Joint Leadership Team and CCG has approved additional non recurrent funding to support an urgent expansion of the service. Please see attached report for full details about this service, the initial review and report and related capacity/funding issues and recommendations for additional funding approved by Joint Leadership on 20.05.20.

In summary, the report recommended an **increased annual investment of £59,636** over and above the recurrent £20,850 per year funding paid to Gaddum for the delivery of both Bereavement and Palliative Care Counselling services. The total service costs per year for this extended Bereavement Counselling provision, and for continued delivery of Palliative Care Counselling at existing capacity is £80,486.73. It was agreed to provide the additional funding for a minimum of 12 months from July 2020, with an option to extend this for a further 12 months based on anticipated COVID surge in demand for bereavement support and to allow time for completion and consideration of the wider evaluation of children and young people's counselling services. Salford CCG has agreed to fund this as part of measures to support COVID pressures.

Following Joint Leadership approval, advice was sought from CCG Head of Finance and Contracts and via the Council's procurement team about the most appropriate contractual approach and it was suggested that a variation to the newly awarded Gaddum Carers Service contract was the best option. The provider has confirmed that they support this approach and that this enables alignment of contract management and service monitoring capacity and will facilitate improved links across Gaddum's provision for children and young people.

The Senior Integrated Commissioning Manager for children's mental health will oversee and monitor the Bereavement and Palliative Care Counselling services and will report via joint CCG and Council governance meetings on demand and performance, which will inform whether the option to extend is required. This service information will also feed into the wider evaluation of children's counselling services to inform long term commissioning and investment plans.

BACKGROUND DOCUMENTS:

Please see attached report to Joint Leadership team, dated 20.05.20.

KEY DECISION:

No.

KEY COUNCIL POLICIES:

Salford Thrive (CAMHS Transformation) Plan – update March 2020.

Salford's All Age Mental Health Strategy.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:-

This additional investment in children and young people's bereavement counselling support specifically aims to support this children and families who experience difficulties due to bereavement and the anticipated increased level of need due to families in Salford affected by COVID-19 related bereavements. We know that COVID has disproportionately affected some people and communities more than others, including those from BAME background and from more deprived neighbourhoods.

ASSESSMENT OF RISK:

Significant risk to service capacity and demand anticipated due to COVID 19 and associated impacts for children and young people (and their families) not being able to access appropriate support when needed.

SOURCE OF FUNDING:

CCG have approved additional funding related to COVID pressures.

LEGAL IMPLICATIONS: Supplied by Tony Hatton, Principal Solicitor, tel. 219 6323

When commissioning contracts for the procurement of goods, services or works the Council must comply with the requirements of the Public Contracts Regulations 2015 (PCR) and its own Contractual Standing Orders (CSO's) and Financial Regulations.

It is an established principle that an existing public contract is capable of being extended and/or extended, and CSO's also allow for contract extensions of this value to be made by approval by Procurement Board. There is, however, always a risk that any extension or modification, if done outside of the usual tender process, could be subject to challenge by an aggrieved provider, on the basis that it ought to have been put out to tender and advertised in accordance with PCR.

Whilst exceptions to CSO's may be authorised by a decision notice from Procurement Board, as detailed in section 3 of Part 5 of the Constitution there is still a risk of challenge from aggrieved providers if the usual tender process has not been followed. The risk of challenge increases in tandem with the value and proposed length of the extension. However there are several reasons provided in the report to justify the Council commissioning the service such as Gaddam being a unique provider, a sense of urgency and providing best value.

Also the PCR also allow for modifications to be made to existing contracts such that a modification (here a variation) may be made where the following cumulative conditions are fulfilled:

- 1 The need for modification has been brought about by circumstances which a diligent contracting authority *could not foresee*;
 - 2 The modification does not alter the overall nature of the contract;
 - 3 Any increase in price is *not higher than 50% of the value of the original contract or framework agreement*. (reg 72(1)(c));
- Or **in any event** where the variation (irrespective of its value) is not considered substantial, which is satisfied in these circumstances.

It could also be argued that these proposals are merely a delay in the competitive process, not avoidance, whilst the Council undertakes a review to ensure that the Carers Service specification can respond to the Carers Strategy, and then provide sufficient time to approve a new service specification and undertake a fully compliant tender exercise for a new contract start on the 1 October 2020.

The Council is also under a best value duty to carry out its functions economically, efficiently, and effectively with the objective to achieve value for money in all public procurement, and comply with its duties of social value. The variation to the contract with Gaddam with proven ability to meet the requirements of the service users would be argued to be more cost effective and efficient under the circumstances.

Further reasons for approving the extensions are set out in the body of the report, and the risk of any challenge to the extension proposed could be described as low.

FINANCIAL IMPLICATIONS: Stephen Thynne, Strategic Finance Manager, Tel: 0161 778 0244

This report request approval for an Exception to Contractual Standing Orders to enable a variation to the Gaddum Carers Service contract to include Bereavement and Palliative Care Counselling for children and young people. The total annual value of this service is £80,486.73 with a recurrent annual element of £20,850 and additional funding of £59,636.73 for a 12 month period from 1st July 2020. Funding for this service is from the integrated fund and it proposed that the service will be reviewed/monitored within the next 12 to 18 months to inform future commissioning intentions.

PROCUREMENT IMPLICATIONS: Supplied by: Christopher Conway, Procurement Category Manager, tel. 0161 686 6248

Procurement are happy to approve the recommendation for an exception in order to formally undertake a variation to the current Gaddum contract for 12 months for period 1st October 2020 to 30th September 2021 with an option to extend for a further 12 months.

It is noted that currently the CCG is the Commissioner for the Bereavement service however due to the integration of the CCG and Council it was recommended that the current CCG service contract with Gaddum be included with the Council contract via a variation so we have 1 contract that can be managed and monitored moving forward.

It has been agreed that the bereavement service will be reviewed/monitored within the next 12 to 18 months and is noted that additional extensions may be sought via PB following the 1 + 1 variation to contract (all conditional and subject to CCG funding).

HR IMPLICATIONS: N/A

CLIMATE CHANGE IMPLICATIONS: Supplied by: Michael Hemingway

No implications.

OTHER DIRECTORATES CONSULTED:

This is a CCG funded service but has been widely consulted via joint CCG and Council governance arrangements including: CYP Commissioning Group, All Age MH Strategy Group and CCG/Council Integrated Leadership team. This involved consultation and input from a range of CCG and Council partners that support Children's mental health commissioning and delivery.

CONTACT OFFICER: Emily Edwards – emily.edwards@salford.gov.uk

TELEPHONE	NUMER:	0161	793	2534
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WARD(S) TO WHICH REPORT RELATE(S):

All
