

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Education, Skills & Culture Cabinet Board**

14<sup>th</sup> September 2017

### **Report of the Head of Transformation – Andrew Thomas**

#### **Matter for Decision**

#### **Wards Affected:**

All Wards

### **Commissioning of Families First Funded Services**

#### **Purpose of the Report**

To seek delegated authority for the Director of Education, Leisure and Lifelong Learning , (or his nominated representative) to embark on a tender process in order to secure new Families First funded services for 2018 onwards and for delegated authority to be granted to the Director of Education, Leisure and Lifelong Learning (or his nominated representative) to accept the most economically advantageous tenders and to award a contract to providers for the provision of such Families First funded services.

#### **Executive Summary**

In 2014, a range of services were established through commissioning and partnership agreements to deliver support services for children and families as part of the Families First programme. Those agreements have now come to an end and the Council is in receipt of new guidance from the Welsh Government for this area of work. The report sets out the need for the Neath Port Talbot County Borough Council (“the Council”)

to embark on a tender process for the appointment of providers of these services and sets out the principles that must be taken into account.

## **Background**

Families First is a Welsh Government early intervention and prevention programme aimed at improving outcomes for children, young people and families. The Council receives an annual grant from the Welsh Government in respect of this programme.

The programme has a number of key elements:

- a. Team Around the Family
- b. Joint Assessment Family Framework (TAF Assessment)
- c. Strategic Commissioning
- d. Disability Focus

The Council has developed a number of different services to meet the requirements of this grant funding, which include, amongst others, Team Around the Family; play and youth services; supported access to childcare; and family support for families in crises are performed in house.

In 2014, a range of services were established through commissioning and partnership agreements to deliver support services for children and families. Contracts were issued for two years, from 2015-17 with the option to extend for a further two year period (on an annual basis).

In April 2017, new programme guidance for Families First was published narrowing the focus of the strategic commissioning element of the programme to concentrate on parenting and provision for young people. New services to meet these strategic priorities and the disability focus will need to be established.

As a result of this, the Council only proceeded to extend the arrangements for one calendar year, in order to ensure consistency of services throughout the commissioning period. However in light of the

new programme guidance, new arrangements now need to be put in place to ensure compliance with the Families First programme.

Since late 2016, the Council has been undertaking a needs assessment specifically to inform the Families First commissioning programme.

The assessment has made recommendations across each element of the programme with keys areas for improvement being:

- Reviewing our TAF model and referral pathway.
- Improving processes to identify families needing support.
- Ensuring support is accessible at the earliest opportunity.

A multi-agency Strategic Partnership Commissioning Group was established to agree priorities. This group comprises members of NPTCBC, Abertawe Bro Morgannwg Unitary Health Board and Neath Port Talbot Council for Voluntary Services. Additionally, multi-agency service design meetings were held to ensure that the proposed services met the needs of families and that referral pathways facilitate timely support for families.

The Strategic Partnership Commissioning Group has spent time over the last few months determining the full extent of the services to be commissioned and whether there should be any deviation from the services commissioned in the past. New specifications of service are now being prepared to implement these.

The Council must ensure that contracts are awarded to commence on the 1<sup>st</sup> April 2018, to ensure compliance with the Families First programme. It is presently envisaged that the Council will embark on a competitive tender exercise in the Autumn of 2017.

The existing Families First funded services are delivered by both internal and external providers, including public, private and third sectors. It is anticipated that a similar mix of submissions will be received for those services put out for competitive tender. To ensure maximum interest, the Council will hold a market warming exercise to promote opportunities for tender.

As the Families First programme is grant funded, it is proposed that the Council will enter into two year agreements, with the option to extend for a period of up to two years on annual basis, subject to appropriate performance. The agreements however will contain a suitable break clause that would allow the Council to terminate the arrangements in the event that the Families First funding comes to an end sooner than anticipated or there has been a breach of the contract or poor performance on the part of the appointed provider.

## **Financial Impact**

The Families First grant allocation is confirmed annually by Welsh Government. The allocation for 2017/18 is currently £1,964,194. At this stage the Council does not know what the allocation will be for 2018/19, however the Council will work on the assumption that the amount will be of a similar level. Clauses however will be incorporated into the tender documents and any contractors or service levels agreements to ensure that where funding levels are decreased by the Welsh Government, the contract value can be reduced if deemed necessary.

## **Equality Impact Assessment**

An Equality Impact Assessment (EIA) has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. The EIA has identified potential positive impacts for all of the identified protected characteristics and it is proposed that additional consultation is conducted at the service design stage and during contract implementation to ensure new services are accessible and inclusive. The EIA is attached to the report at Appendix 1 for the purposes of the meeting.

## **Workforce Impacts**

There are no adverse workforce impacts. It is anticipated that as some services are potentially to transfer to the Council from an external provider there maybe potential for the Transfer of Undertakings (Protection of Employment) Regulations 2006 to apply. Consultation will be held with the Head of Human Resources accordingly and if necessary a report will be taken to Personal Committee in this regard.

## **Legal Impacts**

The Council is a contracting authority for the purposes of the Public Contract Regulations 2015 (the “Regulations”) which govern this particular area of work. As the proposed arrangements are likely to exceed the sum of £164,176 the Council will at all times have to comply with the Regulations.

In addition, the Council has entered into a grant agreement with the Welsh Government which requires the Council to achieve best value for any expenditure that it incurs in fulfilling the requirements of the Welsh Government Families First Programme. Embarking on a competitive tender exercise will ensure that the Council meets these requirements.

## **Risk Management**

In the event that the Council did not embark on a commissioning activity for the Families First programme for some services, the Council could be found to be in breach of the Welsh Government grant agreement exposing the Council to claw back of such funding. The Council therefore must embark on a tender exercise within the proposed timelines to meet compliance with the requirements of the grant funding.

## **Consultation**

There is no requirement under the Constitution for external consultation on this item.

## **Recommendations**

It is recommended, having due regard to the Equality Impact Assessment, that:

- (1) The Director of Education, Leisure and Lifelong Learning (or his nominated representative) be granted delegated authority to agree the final specifications for services that are required to meet the requirements of the Welsh Government Families First Programme Guidance;
- (2) The Director of Education, Leisure and Lifelong Learning (or his nominated representative) be granted delegated authority to

embark on a tendering programme for the appointment of providers to fulfil the requirements of the Welsh Government Families First Programme Guidance;

- (3) The Director of Education, Leisure and Lifelong Learning (or his nominated representative) be granted delegated authority to accept the most economically advantageous tenders identified as part of the tendering programme identified in Recommendation 2;
- (4) The Director of Education, Leisure and Lifelong Learning (or his nominated representative) be granted delegated authority to enter into a contract and any other associated documentation with providers to fulfil the requirements of the Welsh Government Families First Programme Guidance; and
- (5) The Director of Education, Leisure and Lifelong Learning (or his nominated representative) be designated to be the Representative of this Council for the purposes of the proposed Contract and to carry out on behalf of the Council all the delegated powers of such a Representative.

## **Reasons for Proposed Decision**

To ensure that commissioning activities can be undertaken to secure appropriate support services are in place for children, young people and families in the Neath Port Talbot area.

## **Implementation of Decision**

The decision is proposed for implementation after the three day call in period.

## **Appendices**

Equality Impact Assessment

## **List of Background Papers**

Neath Port Talbot Families First Needs Assessment, June 2017  
Welsh Government Families First Programme Guidance April 2017

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