

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **CABINET**

### **Report of the Head of Corporate Strategy & Democratic Services - Mrs Karen Jones**

**17 January 2018**

#### **Matter for Decision**

#### **Wards Affected:**

All wards.

### **Syrian Vulnerable families relocation scheme: Casework support service**

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

1. To obtain approval to suspend the Contracts Procedure Rules relating to the invitation of tenders (Rule 2 of the Contract Procedure Rules) in respect of a further extension to the provision of support by the British Red Cross to families settled in NPT under the Syrian Resettlement Programme; and
2. To seek authority for the Head of Corporate Strategy and Democratic Services to enter into an agreement with BRC for the continued provision of this continued casework support service.

## **Executive Summary**

Neath Port Talbot County Borough Council ("the Council") has participated in the Syrian Resettlement Programme and has Settled 10 families in the area, with the first four families arriving in December 2015.

At the time the Council contracted with the British Red Cross for the provision of a case worker support service to facilitate the integration of refugees from Syria into the community of NPTCBC. This contract has already been extended and the extended contract ends 1st February 2018. The Home office envisaged that this support would only be necessary for the first year, however, it is evident that ongoing support is still required. Therefore this report seeks authority to extend the contract for a further 12 months.

## **Background**

Neath Port Talbot County Borough Council ("the Council") has participated in the Syrian Resettlement Programme and has Settled 10 families in the area, with the first four families arriving in December 2015.

In agreeing to participate in the Syrian Vulnerable Families relocation scheme, the Council was obliged to achieve key deliverables, including case worker support which was mandatory for the first year of settlement.

In December 2015, the Local Authority suspended contract procurement rules and contracted with British Red Cross, as it was imperative that a case work/support provider was in place for the then imminent arrival of the families. Given the very short timescales the Council was unable to undertake a tender exercise, and it was felt that BRC had expertise in this resettlement work, additionally, the Council has an existing relationship with them.

The Council has further extended this contract to enable BRC to continue to facilitate the integration of refugees from Syria into the community of NPTCBC.

This extended contract ends on the 1st February 2018. As mentioned above, the Home office envisaged that this support would only be necessary for the first year. However the experience from across Wales and evidence locally, is that ongoing support is still required. Therefore this report seeks authority to extend the contract for a further 12 months.

The Council's constitution provides for the rules relating to procurement, through its Contract Procurement Rules (CPR). Rule 2 of the CPR relates to the invitation of tenders and Rule 3 relates to the exclusion from requirements of competition. This report seeks authority to suspend Contracts Procedure Rules relating to the invitation of tenders (Rule 2). Paragraph (x) of Rule 3.1 provides the grounds for suspending the above rule to extend BRC's existing contract and maintain the provision of ongoing support to the Syrian families settled in this area under the Syrian Resettlement Programme.

BRC have an established expertise in this respect, and have knowledge of the issues, concerns and challenges that the families continue to face. Additionally, with the exception of one family, BRC have a close working relationship with the families and they have developed important and trusting relationships. It would be difficult for a new provider to establish this rapport and mutual trust; and in the interest of their welfare and wellbeing, the recommendation is that the Council continue to commission BRC to maintain support to the families settled under the programme.

One family have declined the support offered by BRC, however, they are not withdrawn from the programme, and as such it is considered appropriate that support continue to be offered by BRC. In this way the Council can be confident that it is doing everything it can to help this family integrate into the area.

The Council continues to receive a Home Office grant, on a per capita basis. However the grant reduces significantly over the five years of the programme.

### **Financial Impact**

The proposals contained in this report are cost neutral, in that they will be covered by the Home Office Grant. The operational lead for the SRP will liaise closely with colleagues in finance to ensure that the contract is affordable within budgetary constraints of the Home Office Grant

### **Equality Impact Assessment**

The proposals contained in this report will have a positive impact on all those who are eligible for assistance irrespective of their protected

characteristics therefore the screening assessment undertaken identified no need for a full equality impact assessment to be carried out.

## **Workforce Impacts**

The proposals contained in this report have no Council workforce implications.

## **Legal Impacts**

Even though the requirement to competitively tender the agreement with the British Red Cross by way of a European based tender is not applicable, the Council is still caught by the general obligations of transparency, equal treatment, non-discrimination and proportionality that derive from the Treaty on the Functioning of the European Union (TFEU) when the agreement of this kind is of 'certain cross border interest'.

What these principles imply in practice is that the contract should be transparently awarded in a non-discriminatory way. The simplest way to demonstrate compliance would be by going through a procurement exercise compliant with the principles outlined above.

However, the Council would contend that an agreement of this kind is unlikely to have "cross border interests".

In addition, the Council must comply with our own internal Contract Procurement Rules (CPRs) which provides that the Council must usually put a contract of this value out to open tender.

Rule 2.1 of the CPRs provide that where the value of the contract exceeds £50,000 public advertisement of the tenders must be sought using whatever method deemed appropriate.

Paragraph (x) Rule 3.1 of the CPR relates to the exclusion from requirements of competition and provides the grounds for suspending the rules to extend BRC's existing contract.

Due to reasons identified above, the Council would contend that the British Red Cross is best placed to continue to deliver the contract with the Council for the Syrian Resettlement programme.

## **Risk Management**

The Council could potentially be exposed to challenge from aggrieved providers who have not had an opportunity to bid for a contract such as this. They may wish to challenge this by Judicial Review of the Council's decision.

Any challenge could involve both the cancellation of current contractual arrangements and/or the threat of a financial penalty determined by the Courts.

It would be contended that the risk of this is considered to be low and in any case deemed to be outweighed by the need to continue to provide support to the families as they integrate into our communities.

The Council's defence of any such challenge would be strong as the Constitution allows for the action proposed.

## **Consultation**

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

## **Recommendations**

1. To obtain approval to suspend the Contracts Procedure Rules relating to the invitation of tenders (Rule 2 of the Contract Procedure Rules) in respect of a further extension to the provision of support by the British Red Cross to families settled in NPT under the Syrian Resettlement Programme; and
2. To seek authority for the Head of Corporate Strategy and Democratic Services to enter into an agreement with BRC for the continued provision of this continued casework support service.

## **Reasons for Proposed Decision**

To ensure the necessary arrangements can continue to be put in place for households relocated to the Neath Port Talbot area under the SRP.

## **Implementation of Decision**

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

## **Appendices**

None

## **List of Background Papers**

None

## **Officer Contact**

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