

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

CABINET

Report of the Assistant Chief Executive & Chief Digital Officer- Mrs Karen Jones

10 December 2020

Matter for Decision

Wards Affected:

All wards.

Syrian Resettlement Programme: Support service

Purpose of the Report

1. To obtain approval to suspend the Contracts Procedure Rules relating to the invitation of tenders (Rule 11 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 Assistant Chief Executive & Chief Digital Officer 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 previously. 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 until the end of the programme, subject to a review in July 2021.

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 contract has been further extended. The experience from across Wales and evidence locally, is that ongoing support is still required, and is increasingly relevant as we plan to exit families from the support programme.

Therefore this report seeks authority to extend the contract until the expiry of the programme which is the fifth anniversary of the date the 10th family were settled in NPT under this programme, i.e. November 2021, but with a review in July 2021 to take effect in September to reflect the reducing number of families supported.

To explain further, the arrival of the families was staggered from December 2015 to November 2021 as shown below:-

	Arrival date	Date Support ends
Family 1	09 December 2015	09 December 2020
Family 2	09 December 2015	09 December 2020
Family 3	09 December 2015	09 December 2020
Family 4	24 February 2016	24 February 2021
Family 5	29 September 2016	29 September 2021
Family 6	19 October 2016	19 October 2021
Family 7	01 November 2016	01 November 2021
Family 8	01 November 2016	01 November 2021
<p>N.B. 1 family above has declined support.</p> <p>2 families have left the programme</p>		

Therefore as the number of families reduces so will the support provided. As such the contract sum will be reviewed in July, albeit there is a de minimus level at which the contract is viable. The contract sum from October 2020 to September 2021 is £45, 063.70

The Council's constitution provides for the rules relating to procurement, through its Contract Procurement Rules (CPR). Rule 11 of the CPR relates to the invitation of tenders and Rule 5 relates to the exclusion from requirements of competition. This report seeks authority in accordance with Rule 5.2 to suspend Contracts Procedure Rules relating to the invitation of tenders (Rule 11) 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, and have begun working with the families as they prepare to live independent lives without the safety net of this support service. 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 at this late stage in the programme; 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, until the scheme ends in November 2021.

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

No implications. 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

Integrated Impact Assessment

‘A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment, attached at Appendix x, has indicated that a more in-depth assessment is not required. A summary is included below

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

The contract with the Red Cross does not exceed the thresholds under the Public Contract Regulations 2015 for a tender to be advertised via the Official Journal of the European Union. However, even though the requirement to competitively tender the agreement 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 an agreement 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, it is considered that the subject matter of this contract is unlikely to have "cross border interest".

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

Rule 11 of the CPR require a competitive tender process for contracts which exceed £25,000 in value. This requirement involves an obligation to advertise the contract.

Rule 5.2 states that authority must be obtained from Cabinet to exclude the requirements of the CPRs.

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 and that therefore the requirement for competition under the CPRs should be excluded in the circumstances.

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

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2. To seek authority for the Assistant Chief Executive & Chief Digital Officer to enter into an agreement with BRC for the continued provision of this 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

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