



CABINET – 27 MAY 2022

EXCEPTION TO CONTRACT PROCEDURE RULES TO PROVIDE HOLIDAY ACTIVITIES AND FOOD PLACES DURING THE SCHOOL SUMMER HOLIDAYS 2022

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

PART A

Purpose of the Report

1. The purpose of this report is to seek the Cabinet's approval for an exception to the Council's Contract Procedure Rules for the direct award of contracts to a number of holiday activity providers to supply holiday clubs for the 2022 school summer holiday period, under the Department for Education (DfE) Holiday Activities and Food (HAF) programme.

Recommendation

2. It is recommended that an exception to the Contract Procedure Rules is agreed to enable the Director of Children and Family Services to approve the direct award of contracts to suppliers to supply Holiday Activities and Food holiday club provision for the 2022 summer holiday period, with a maximum, combined potential spend of £800,000.

Reasons for Recommendation

3. The County Council's Contract Procedure Rules (Part 4G of the Constitution) require that, where the estimated value of a contract exceeds £181,302, formal tenders must be invited.
4. Where an exception to the Contract Procedure Rules is required for contracts over £177,897, Rule 6 (b)(ii) provides that Cabinet approval be obtained to the exception where this is justified on its merits. The proposed contracts with selected suppliers are expected to have a total value of £800,000.
5. The circumstances and financial considerations surrounding the proposal, explained in Part B of this report, mean that other procurement processes are not possible in order to ensure delivery of the HAF programme during the 2022 summer holiday period.

6. An exception to the Contract Procedure Rules is requested as there is insufficient time to undertake a full procurement process to put in place contracts for the start of the school summer holidays (12th July 2022).
7. Work is taking place with the Commissioning Support Unit, Legal Services and the Children and Family Services Department's Commissioning Service to undertake a procurement exercise (compliant with the Council's Contract Procedure Rules and the Public Contract Regulations 2015) to award contracts for the remainder of the Holiday Activities and Food programme, from winter 2022 to 2025.

Timetable for Decisions (including Scrutiny)

8. Subject to the Cabinet's approval, the necessary arrangements will be put in place as soon as is practicable.

Policy Framework and Previous Decisions

9. The exception to the Contract Procedure Rules follows the Council's Constitution (Contract Procedure Rule 6 (b)(ii)).

Resource Implications

10. The Children and Family Services Department has received funding of £1.5 million from the DfE for the period 2022 to 2025 to co-ordinate the provision of targeted holiday clubs, offering activities and food to vulnerable children during the school holidays. £600,000 of the funding is allocated to/likely to be spent for the delivery of 2,000 HAF holiday club places during the 2022 school summer holiday and £200,000 has already been spent on holiday provision during the Easter school holidays.
11. The unit cost per holiday club place has been determined by the Children and Family Services Department through a cost modelling exercise, delivery of the HAF pilot in 2019, and comparisons with neighbouring local authorities. There is a higher unit cost per place for children with Special Education Needs and/or Disabilities (SEND). The level of funding allocated to each supplier is based on the number of places they are approved to supply.
12. A procurement exercise is required (in accordance with the procurement rules) to put in place a framework agreement, or dynamic purchasing system, through which future contracts can be awarded as soon as possible and in any event by 1 November 2022.
13. The Director of Corporate Resources and Director of Law and Governance have been consulted on this report.

Circulation under the Local Issues Alert Procedure

14. None.

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PART B**Background**

15. The DfE has recognised that school holidays can be pressure points for some families because of increased costs and reduced incomes - some children are more likely to experience 'unhealthy holidays' in terms of nutrition and physical health and some children from lower-income families are less likely to access fun activities. From 2018 to 2020 the Department for Education (DfE) invested in pilot Holiday Activities and Food programmes to deliver free healthy meals and fun activities to disadvantaged children over the summer holidays.
16. Following these successful pilots, the HAF programme was rolled out to all upper tier local authorities in England in 2021. £220 million was made available through grants to all local authorities so that school aged children in receipt of free school meals could be offered free healthy meals and enriching activities over the Easter, summer and Christmas holidays. Local authorities have responsibility for the coordination and implementation of the HAF programme in their area and are required to submit regular monitoring information to the DfE to help evidence the reach and impact of the programme.
17. The aims of the HAF programme link to Council and partnership strategies, plans and objectives (including the Children and Families Partnership Plan) around food poverty, holiday hunger, improving access to physical activity and reducing social isolation for vulnerable children, young people and families (particularly children eligible for free school meals) to:
 - Eat more healthily
 - Be more active
 - Take part in engaging and enriching activities
 - Be safe and not isolated
 - Have greater knowledge of health and nutrition
 - Be more engaged with school and other services
18. Leicestershire County Council was allocated £1.5 million to coordinate the delivery and implementation of the 2021 Holiday Activities and Food programme. The funding was allocated through a direct grant award process to holiday club suppliers meeting the DfE HAF programme criteria who submitted applications to deliver holiday club places. Suppliers meeting the criteria were awarded funding to deliver an agreed number of HAF holiday club places. Suppliers including schools, special schools, out of school, multi-sport and community organisations delivered HAF holiday clubs across the county over the 2021 Easter, summer and Christmas holidays:
 - 700 children accessed provision delivered by 30 providers over 1 week during Easter 2021
 - 1,469 children accessed provision delivered by 25 providers over 4 weeks during Summer 2021
 - 1,129 children accessed provision delivered by 22 providers over 1 week during Christmas 2021.

19. In December 2021 the Government confirmed the continuation of the programme for three years from 2022-25. The County Council will receive an annual allocation of approximately £1.5 million to coordinate the delivery of the programme across Leicestershire. Now the County Council has secured longer term funding, legal and procurement advice is to put in place a procurement solution, compliant with the Council's Contract Procedure Rules and the Public Contract Regulations 2015, to be able to award appropriate contracts to suppliers to provide HAF holiday club services.
20. In March 2022 an exception to the Contract Procedure Rules was approved by the Director of Children and Family Services to directly award contracts to suppliers to provide holiday club services during the Easter school holidays. £168,000 funding was allocated to 32 providers to deliver 2149 places across 62 venues.
21. Between 9 to 20 May, suppliers were invited to express their interest to provide HAF holiday club places during the school summer holidays. As part of the expression of interest process, suppliers were asked to detail the number of holiday club places they could provide, the proposed programme of activities to be delivered, and how they would meet the DfE and Council's quality standards.
22. Subject to the Cabinet's approval to directly award contracts for the summer holiday club places, the expressions of interest will be reviewed by a panel of officers from the Department, Corporate Resources and Active Together, and due diligence checks carried out on the suppliers. Areas of highest need have been identified using information from 'heat mapping' of free school meal eligibility and take up rates across the County, mapping of existing holiday provision, and local intelligence from the Department and partners. Places will be allocated to suppliers based on the identified areas of highest need.
23. Once the allocation process is complete successful suppliers will receive notice of the number of places they have been approved for. Suppliers will receive quality assurance visits during summer HAF delivery, and all suppliers will be required to submit monitoring and attendance information to the County Council.
24. In order for the Department to continue to offer direct awards to suitable suppliers whilst allowing time to carry out a compliant procurement process to award future contracts, an exception is requested for summer 2022. This procurement exercise will support the effective delivery of a high profile DfE funded programme and aligns with work being undertaken across the County by the Council to support vulnerable children and families.

Equality and Human Rights Implications

25. The programme offers positive benefits for vulnerable children and will increase access to holiday provision for disadvantaged families (particularly children eligible for free school meals) by offering free access to holiday provision.

26. Mapping will be undertaken regularly to ensure holiday provision is being offered across the County and to target provision in areas of highest free school meals take up.
27. Consideration will be given to how the programme will meet the needs of children with SEND or additional needs, including specialist provision, inclusion funding and inclusive practice training for HAF suppliers.
28. In line with DfE guidance, a proportion of the HAF funding will also be utilised to fund free holiday club places for children who are not eligible for free school meals but have been identified by the Department as vulnerable, such as children known to the Department's Early Help services.

Background Papers

Leicestershire County Council Constitution

<http://cexmodgov1/ieListDocuments.aspx?CId=1187&MId=6960&Ver=4&Info=1>