



CABINET – 16 SEPTEMBER 2022

EXCEPTION TO CONTRACT PROCEDURE RULES TO PROVIDE ADOPTION SUPPORT FUND - THERAPEUTIC SERVICES

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 to directly award contracts to therapeutic service suppliers to supply therapy to eligible adoptive and special guardianship order families under the Adoption Support Fund.

Recommendation

2. It is recommended that an exception to the Contract Procedure Rules be approved to enable the Director of Children and Family Services to agree the direct award of contracts to therapeutic service suppliers referred to in paragraph 18 of the report for the provision of therapy to eligible adopted children, up to a maximum date of 30 June 2023 with a maximum combined spend of up to £865,000.

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 £177,897, formal tenders must be invited. Based on the level of spend by the Council in relation to the provision of therapeutic services to eligible adopted children, the need for the Council to undertake a compliant procurement process has been identified.
4. The approval of an exception to the Contract Procedure Rules will enable service provision to be maintained to eligible adoptive children up until 30 June 2023 whilst the Council undertakes a compliant procurement process in order to establish a framework agreement for therapeutic services by 1 July 2023.

Timetable for Decisions (including Scrutiny)

5. Subject to the Cabinet's approval, the necessary arrangements will be put in place as soon as is practicable. It is intended that a framework agreement for therapeutic services would be in place by 1 July 2023.

Policy Framework and Previous Decisions

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

Resource Implications

7. The Adoption Support Fund (ASF) requires a quotation from a supplier for each intervention. Each quotation will be within the ASF limit (£5,000 for therapeutic provision and £2,500 for specialist assessments)
8. The local authority or regional adoption agency that places a child with a family is responsible for assessing that family's support needs for three years after the order is made. After three years, the responsibility lies with the local authority or regional adoption agency where the family lives if they have moved.
9. Eligible families apply to Children and Family Services to receive therapeutic support. The Department will then,
 - assess the family and consider if therapeutic support is needed,
 - decide on the type required and if it is eligible for payments from the ASF,
 - apply directly to the ASF for the funding,
 - purchase the support from therapeutic suppliers when the ASF has approved the funding.
10. A procurement is required (in accordance with the procurement rules) to put in place a therapeutic services framework agreement, as soon as possible and in any event, in place by 1 July 2023.
11. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Circulation under the Local Issues Alert Procedure

12. None.

Officer to Contact

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PART B

Background

13. The ASF was established by the Department for Education (DfE) in 2015 to support the therapeutic provisions needed by children who are adopted or under special guardianship orders, subject to eligibility criteria. These criteria are very specific, and the providers have to be qualified therapists in their field and fully regulated.
14. Before April 2022, the Council had to apply to the ASF with a detailed itemisation of costing for therapeutic support for checking and assessing by the Adoption Support Fund Service and approval by the Fund Manager. If agreed the amount requested would be put into the relevant Children and Family Services cost code and the invoices for the provision would be paid from there through the Corporate Resources Department. Once the provision was completed a spend confirmation would be processed on the ASF portal. If the provision was incomplete or did not happen then this would be recorded on the portal and the monies would be returned.
15. Since April 2022 Children and Family Services still follows the procedure for applying to the ASF, but the money is only sent once Children and Family Services has paid the invoice. The ASF then reimburse the Council for the costs.
16. The terms of the ASF funding set out by the DfE state that 'local authorities will purchase the support from their own list of approved suppliers when the ASF approves funding'.

Development of a Framework Agreement

17. An exception to the Contract Procedure Rules is requested to allow time for a procurement process to be undertaken to put in place a framework agreement for therapeutic services by the 1 July 2023.
18. At present, there are approximately 27 suppliers that the Council works with for the provision of therapeutic services. It is envisaged that the Council's proposed procurement exercise will result in a similar number of providers being appointed under a framework agreement. As part of the procurement process, there will be a need to ensure that the opportunity is appropriately advertised, appropriate checks are carried out on the suppliers and appropriate contracts are put in place.
19. There are two ways in which therapists are currently chosen,
 - i) adopter-led choice - either the family transfer from another local authority with an existing therapist, or the adopter has a preferred therapist as detailed in paragraph 20,
 - ii) the Council supports families to identify a therapist - the Council commissions the therapist on behalf of the families.

20. There are occasions when the child or family has already built up a therapeutic relationship which the Council would wish to see maintained. On occasions a particular therapy has been recommended, or location to the child and availability is a key factor. The Council shares its list of therapists with its Family Adoption Links (FAL) Regional Partners so that it is aware of all the approved therapists in Leicestershire and surrounding areas.
21. Time is needed to consider how these options will be managed through a framework agreement.

Equality and Human Rights Implications

22. There are no equalities or human rights implications arising from the recommendations in this report

Background Papers

None