

Sandwell Metropolitan Borough Council

**Action Taken Under Delegated Powers – Exemption from
Procurement and Contract Procedure Rules**

Child Sexual Exploitation Service

1. Summary Statement

- 1.1 An exemption is being sought in accordance with Rule 15 of the Contract Procedure Rules to directly award a contract for the provision of a Child Sexual Exploitation (CSE) Service for a period of 12 months.
- 1.2 Discussions are taking place on a regional basis to deliver CSE services on a regional or sub-regional basis with a view to any revised model commencing from the 1st April 2018.
- 1.3 The current contract that Sandwell Council holds for the delivery of CSE services will expire on 31st March 2017
- 1.4 The directly awarded contract will provide a continuity of provision for service users during the service development and any tendering process.
- 1.5 The contract falls below the EU Light Touch Regime threshold being health and social care related and is considered not likely to generate cross border interest and therefore is not required to be advertised in the Official Journal of the European Union.
- 1.6 The risk of directly awarding a new contract is that the decision to do so could be potentially challenged as an unlawful extension of the original contract and argued not to be permissible under the Public Procurement Regulations 2015.
- 1.7 The risk detailed in paragraph 1.6 above can be mitigated to an extent based on the new contracts being sufficiently different in nature from the previous contract so as not to be seen as a mere

extension.

- 1.8 Consultation with stakeholders on the direct award of a new contract has not taken place based on the short contract period and the limited nature of any changes. However, Consultation will take place on any proposed new operating model.
- 1.9 The Procurement Services Manager has been consulted during the production of this report.
- 1.10 Legal Services have been consulted and have advised on the proposals in this report.
- 1.11 In accordance with the Council's Procurement and Contract Procedure Rules (Rule 15), any exemption request must be approved by the Cabinet Member for Core Council Services having been endorsed by the Section 151 Officer.

2 Recommendation

- 2.1 That a contract is directly awarded to Barnardo's for the provision of a Child Sexual Exploitation Service for a 12 month period from 1 April 2017 until 31 March 2018 at a cost of £91,500.
- 2.2 That the Council enter into sign and seal, the necessary agreements and associated documents required in order to execute the identified contract in 2.1 above.
- 2.4 That any necessary exemptions be made to the Council's Procurement & Contract Procedure Rules to enable the course of action referred to in 2.1 and 2.2 above to proceed.

In accordance with the Council's Procurement and Contract Procedure Rules, I intend to take the action(s) recommended above.

I ~~do~~ do not have an interest to declare in this matter


Jim Leivers
Interim Director of Children's Services

Date: 

Darren Carter
Executive Director of Resources

Date: 30-3-2017


Cllr Trow
Cabinet Member for Core Service.

Date: 30 MARCH 2017

Contact Officer

Mandip Chahal, Interim Resources Manager, Children's Services
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2 Procurement Implications

- 2.1 The Child Sexual Exploitation Prevention Service was originally procured in line with contract procedure rules for the period 1st April 2015 to 31st March 2016 with an option to extend the service for a further 12 month period.
- 2.2 There are no further options to extend the existing contract. Therefore it is proposed to directly award a new contract for the provision of a Child Sexual Exploitation Prevention Service.
- 2.3 Sandwell is party to discussions regarding joint procurement and commissioning on a regional or sub-regional basis and further reports will be presented in line with the Council's Contract Procedure Rules as required.
- 2.4 If agreement is not reached by 30th September 2017 the council will undertake its own procurement for CSE services

3 Legal and Statutory Implications

- 3.1 The contract falls below the EU Light Touch Regime threshold being health and social care related and is considered not likely to generate cross border interest and therefore is not required to be advertised in the Official Journal of the European Union.
- 3.2 The risk of directly awarding a new contract is that the decision to do so could be potentially challenged as an unlawful extension of the original contract and argued not to be permissible under the Public Procurement Regulations 2015.
- 3.3 The risk detailed in paragraph the above can be mitigated to an extent based on the new contracts being sufficiently different in nature from the previous contract so as not be seen as a mere extension.

4 Background Details

- 4.1 The original service was commissioned in response to the increasing risk to children of exploitation and the Sandwell Safeguarding Children Board (SSCB) developed multi agency strategy to ensure a robust, coordinated multi-agency response to CSE in Sandwell under three broad headings: Prevention; Protection and; Prosecution. Taking a proactive approach focused on early identification and intervention can only be achieved through an integrated approach, with effective joint working and a shared understanding of the problem.
- 4.2 The aim of the service is to reduce the risk of exploitation through early identification of children at risk through the use of return interviews following periods of being missing, provide direct interventions for children and families where a risk has been identified to minimise the risk and also contribute to the development of policy, procedure and strategy in Sandwell through providing information and intelligence.
- 4.3 Work is taking place on a regional and sub-regional basis to improve the links between relevant partners to ensure better outcomes for young people in the area of CSE. This will include the joint commissioning and procurement of both preventative work and interventions for children and young people at risk.
- 4.4 Sandwell is an active partner in the development of joint commissioning arrangements.

Source Documents

(Do not list documents which contain exempt information).

