

Record of operational decision

Decision title:	Renewal of the existing the contract for an external Children’s Social Care Quality Review & Assurance Team as part of the Council’s Children’s Services Improvement Programme.
Date of decision:	20 September 2021
Decision maker:	Interim Director for Children and Families
Authority for delegated decision:	<p>Chief Executives scheme of delegation para 5 appendix 1 SA20.</p> <p>Following the Judgement of The Hon Mr Justice Keehan, published on 16 April 2021 relating to children’s social care proceedings heard in the Family Division of the Royal Courts of Justice, the Extraordinary Meeting of Full Council approved:</p> <ul style="list-style-type: none"> • the commission of External Reviews as determined necessary by the head of paid service; • the Financial Provision to support the Review and Improvement Strategy, as set out in para 24 and appendix 3 of the report to Council <p>Minutes of the Extraordinary Council Meeting are published at http://councillors.herefordshire.gov.uk/documents/g8206/Public%20minutes%20Tuesday%2027-Apr-2021%2010.00%20Council.pdf?T=11.</p>
Ward:	Countywide
Consultation:	The need for, and cost of, the contract renewal was discussed at Management Board on 7 September 2021 and was referred to Resources Board to approve proposals from the Directorate on how the contract renewal would be funded, which is scheduled for 24 September.
Decision made:	<p>To:</p> <ol style="list-style-type: none"> i. renew the existing the contract with Attenti Consulting Ltd at a maximum cost of £437,190 for an external Children’s Social Care Quality Review & Assurance Team from 21 September 2021 to 20 December 2021 ii. vary the contract terms to reduce the termination notice period from one month to two weeks
Reasons for decision:	<p>Following the recent High Court judgement, the council has committed to an urgent and robust review of the council’s Children’s Social Care Services and has established an improvement strategy with oversight from an independently chaired board. The Council committed to reviewing all children’s social care cases that were open over a 6-12 month period, potentially c.1150 cases to provide:</p> <ol style="list-style-type: none"> i. assurance that all children and their families are safe, receiving appropriate and timely interventions and that placements are robust and well supported with appropriate levels of intervention ii. an evaluation of the quality of practice, particularly around assessment and planning and the focus on the child’s voice in these processes enabling the auditors to have a constructive

	<p>understanding within the documents of what it is like to be that child in that family environment and how the planning and interventions are impacted on their situation</p> <p>iii. a view of the quality of management oversight and the appropriateness of support / guidance and advice provided to social workers to undertake the tasks</p> <p>Attenti Consulting Ltd were rapidly commissioned to provide an external team of case auditors, with a contract being directly awarded for the period 21 June to 20 September 2021 at a cost of £467,870 funded from the improvement resources of £5.2m earmarked by the extraordinary council meeting of 27 April 2021.</p> <p>By mid-September 2021, over 460 children’s social care audits have been completed. A contract renewal is therefore being sought to enable the commitment to audit all cases to be achieved. A higher completion rate has been impacted by several factors:</p> <ul style="list-style-type: none"> i. The complexities the council’s case record system has meant it has taken more time than anticipated to complete individual audits ii. The council asked the provider to audit a further 300+ Early Help cases that were not part of the initial scope. One hundred of these audits have been completed by Early September 2021 iii. The council asked the provider to assist during the focused visit by Ofsted in July 2021
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Non-renewal of the contract will mean that more than half of the intended audits will not be completed and the council will not receive the assurances and learning sought in full.</p> <p>The previous decision to award the current contract (http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=8001) noted that:</p> <ul style="list-style-type: none"> i. There is a risk that additional weeks will be required to complete the audit work and that costs may increase. ii. Should the work need to be extended beyond the planned 13-week period, it is likely to be preferable to retain the incumbent provider to avoid any potential break in delivery. This circumstance would be subject to a further governance decision <p>There is some potential for the remaining work to be completed earlier than the proposed end date of 20 December 2021. Therefore, a renewed contract will be varied with the agreement of the provider to reduce the existing termination notice period from one-month to two-weeks.</p> <p>Financial Risk</p> <p>The maximum contract value for the renewal period will be up to £437,190 for the provision of an audit team comprised of fourteen people. The council has submitted a bid for improvement funding to the Department for Education, the outcome of which is anticipated by 1 October. Therefore, the proposal to renew the contract includes significant financial risks:</p> <ul style="list-style-type: none"> i. If a successful bid cannot be back-dated, the council will have to meet the contract costs from 21 September to the date of the DfE

	<p>decision. Pending the outcome of the bid, the council has allocated £74k from reserves to fund the first ten days of the renewed contract in order to avoid a break in the delivery of the quality assurance audit work.</p> <p>ii. If the DfE bid is unsuccessful, there will be a significant budget impact of £33,630 per week for as long as the service continues. If necessary, the contract can be terminated early with two weeks notice. Contingency funding arrangements are scheduled to be considered by Resources Board on 24 September 2021</p> <p>Procedural Risk</p> <p>The value of the proposed renewal is equal to 93.4% of the original contract value. The value of the contract with Attenti and the proposed renewal is above the relevant Public Contract Regulations 2015 (PCR 2015) threshold, and as a Contracting Authority, we are required to comply with the thresholds as set out in the PCR 2015. The need for the audit services provided by Attenti have arisen from the judgement of The Hon Mr Justice Keehan and the need to take action is urgent. It is acknowledged that there is a risk of supplier challenge in relation to the contract with Attenti, however given that some market engagement was previously undertaken with other suppliers and the nature of the services the risk is considered acceptable by Social Care in these circumstances.</p> <p>Legal Services and Commercial Services advice agrees that, from a Public Contract Regulations perspective, the proposed approach is not advisable. The advice recognises the operational need to continue with the service versus the increased and unacceptable risk of challenge from other potential suppliers.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>The work could be competitively tendered. This is not recommended because the time it would take to complete a procurement exercise and embed a new audit team would not meet with the council's need to complete this important assurance work as soon as possible</p>
<p>Details of any declarations of interest made:</p>	<p>None made.</p>

Signed

Cath Knowles
Interim Director for Children's Services

Date: 20 September 2021