



**CABINET – 15 SEPTEMBER 2023**

**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 additional 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 (ASF). The contract owner is the Service Manager for the Post Order Support Team.
2. In September 2022 an exception was approved by Cabinet to directly award contracts up to 30<sup>th</sup> June 2023 with an expenditure limit of £865,000 whilst a procurement process was undertaken to put in place a framework agreement for therapeutic services. This additional extension to the original exception is required due to a delay in the setting up of the framework as a result of a delay in developing and finalising the specification.

**Recommendation**

3. It is recommended that the Cabinet approves an additional exception to the Contract Procedure Rules 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 no later than 30<sup>th</sup> November 2023 and with a maximum combined expenditure of £362,045 from 1<sup>st</sup> July 2023 to 30<sup>th</sup> November 2023.

**Reasons for Recommendation**

4. 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 requirements for the provision of therapeutic services to eligible adopted children, the need for the Council to undertake a compliant procurement process has been identified.
5. The approval of an exception to the Contract Procedure Rules will enable service provision to be maintained to eligible adoptive children up until 30<sup>th</sup> November

2023 whilst the Council undertakes a compliant procurement process in order to establish a framework agreement for therapeutic services from 1<sup>st</sup> December 2023.

6. The exception agreed in September 2022 expired on 30<sup>th</sup> June 2023. Invoices containing the ASF cost code have since been placed on hold and have not been paid pending an extension to the exception. Currently there are approximately 45 invoices that are on hold.
7. Work started on the therapeutic services framework procurement in November 2022 to have a framework in place by 1<sup>st</sup> July 2023. There were delays in the procurement process caused by delays in developing and finalising the specifications.
8. The framework tender was published on 31<sup>st</sup> July with a tender deadline of 11<sup>th</sup> September. The department will work with the commissioning support unit to ensure the tender evaluations, award and mobilisation processes are completed during September, October and November for the new framework to commence on 1<sup>st</sup> December 2023.

#### **Timetable for Decisions (including Scrutiny)**

9. 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<sup>st</sup> December 2023.

#### **Policy Framework and Previous Decisions**

10. The exception to the Contract Procedure Rules follows the Council's Constitution (Contract Procedure Rule 6 (b)(ii)).
11. The exception was previously discussed by Cabinet on 16<sup>th</sup> September 2022 <https://politics.leics.gov.uk/documents/s171205/ASF%20Therapeutic%20Services%20Contract%20Exception.pdf>

#### **Resource Implications**

12. 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). An exception is required due to the cumulative spend of ASF related contracts exceeding the threshold of £177,897.
13. 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 adoption 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.

14. 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 of support 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.
15. A procurement exercise is in progress to put in place a therapeutic services framework agreement by 1<sup>st</sup> December 2023.
16. 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**

17. None.

#### **Officer to Contact**

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## **PART B**

### **Background**

18. 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.
19. 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**

20. In September 2022 an exception was approved by the Cabinet up to 30th June 2023 at a maximum value of £865,000 to allow time for a procurement process to be undertaken to put in place a framework agreement for therapeutic services to start 1<sup>st</sup> July 2023.
21. An extension to the exception for the Contract Procedure Rules is requested to allow time for the procurement process to be completed to put in place a framework agreement for therapeutic services by the 1<sup>st</sup> December 2023.
22. An extension to the exception is required due to a delay in the setting up of the framework as a result of a delay in developing and finalising the specification.
23. The framework tender was published on 31<sup>st</sup> July with a tender deadline of 11<sup>th</sup> September. The department will work with the commissioning support unit to ensure the tender evaluations, award and mobilisation processes are completed during September, October and November for the new framework to commence on 1<sup>st</sup> December 2023.
24. 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 procurement exercise will result in a similar number of providers being appointed under a framework agreement. As part of the procurement process, it will be necessary to ensure that the opportunity is appropriately advertised, appropriate checks are carried out on the suppliers and appropriate contracts are put in place.
25. 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;
  - ii. the Council supports families to identify a therapist - the Council commissions the therapist on behalf of the families.

26. 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 Regional Partners so that it is aware of all the approved therapists in Leicestershire and surrounding areas.
27. Time was needed to consider how these options will be managed through a framework agreement.

### **Equality Implications**

28. This service is provided to children and young people who have a protected characteristic within the meaning of the Equality Act 2010 by reason of their age. It may be that other protected characteristics are also engaged within the cohort. The provision of this service will assist the Council in meeting its Public Sector Equality Duty to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

### **Human Rights Implications**

29. There are no human rights implications arising from the recommendations in this report.

### **Background Papers**

None.

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