

Council – 8 January 2018

Sure Start Palfrey Children's Centre Petition

1. Summary

This report is in response to a petition opposing the decision not to award the contract for 0-19 Early Help Locality Services including Children's Centre Services in South & Central Walsall to Palfrey Community Association.

- 1.1 A paper petition organised by Anna Rogozinska was submitted to Council on 13 December 2017 by Councillor M Nazir containing approximately 280 signatures. In addition Councillor Nazir referenced a Change.Org petition with over 1600 signatures. The wording of the petition is:

"As parents and community members who use our local Sure Start Palfrey Children's Centre on a regular basis, we are shocked to hear that it is being taken over by an outside company called CGL (Change, Grow, Live).

We are all against this decision made by Walsall Council and would prefer for the Centre to be locally run through Palfrey Community Association as it has done for a number of years. We cannot understand how a Centre which has two Outstanding Ofsted Report would have a change in management especially from outside who may not know our community as well as the local people who provide our children with activities do.

We would like for you to rethink your decision and keep our Children's Centre local and run by local people."

- 1.2 The Council's petition scheme provides that:
If a petition contains at least 1,500 signatures it will be debated at a meeting of the Council. This means that the issues raised in the petition will be discussed at a meeting to which all Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at this meeting.

They may decide to take the action that the petition requests; not to take the action requested for reasons put forward in the debate, or to ask for further information. Where the issue is one where the Cabinet are required to make the final decision the Council will decide to make recommendations to the Cabinet.

The petition organiser will receive written confirmation of this decision and this will be published on our website.

2. Recommendations

- 2.1 That the concerns of the petitioners are noted.
- 2.2 That Council notes that the tendering process which led to the award of the contract to Change Grow Live has been scrutinised by Education and Children's Services Overview and Scrutiny Committee. The Committee concluded that the process was fair, open and transparent, that it had been correctly adhered to, and that none of the organisations tendering for the contract had been disadvantaged.

- 2.3 That the Council note that legally there is no power to interrupt the process of awarding the contract on the grounds raised by the petitioners. There was a mandatory procedure to be followed, including a requirement to notify the successful tenderer the award of the contract, it would have been unlawful for the Council to not have done so.
- 2.4 That the Council notes the plan of actions as part of the transition and implementation of the new contract to ensure services user continue to receive a local quality service.

3. Background Information

Rational for new contract

- 3.1 When a contract comes to the end, the Council is required by law (under the Public Contract Regulations 2015) to carry out an open and transparent process to enter into a new agreement with a provider. The Palfrey CA contract to deliver Children's Centre services came to an end in April 2017. Public Contract Regulations, Regulations 18 requires contracting authorities to treat economic operators equally and without discrimination. Contracting authorities are also required to act in a transparent and proportionate manner. The regulation outlaws any scheme designed to exclude from it any potential tenderer or unduly favouring or disadvantaging any tenderer.

Chronology in awarding the contract

- 3.2 On 8 February 2017 Cabinet approved the new 'Redesign of Children's Centre Services and Sites as part of a 0 – 19 Early Help locality model and Children's Centre South Contract and approved the undertaking of a competitive procurement process to determine the most suitable provider for the delivery of 0-19 Early Help Locality services (including Children's Centre services) in Central and South Walsall for an initial period 1 March 2018 to 31 March 2020 with options for the Council to extend the contract by two 1 year periods (i.e. a maximum total contract term of 4 years).
- 3.3 Following a consultation process, to develop the service specification, tenders were sought for the provision of 0-19 Early Help Locality Services including Children Centre Services in South & Central Walsall using an open procurement process. This process commenced on 28 June 2017 and completed on the 25th October 2017 when Cabinet approved the award of a new contract, valued in the region of £600,000 per annum, to Change, Grow, Live, for the provision 0-19 Early Help Locality Children's Model including Children's Centre Services in South & Central Walsall for the period 1 March 2018 to 31 March 2020 with an option to extend annually for up to 2 years.
- 3.4 The decision made by Cabinet was 'called-in' by Education and Children's Services Scrutiny and Overview Committee meeting on the 31st October for following reasons:
1. The award raised concerns and many local residents are asking questions of the tendering process.
 2. For the benefit of openness, transparency and justice we are seeking the calling –in of the Cabinet decision to be reviewed.
- The call-in notice was signed by Councillor M. Nazir, Councillor S. Ditta, Councillor H. Sarohi, Councillor N. Gultasib and Councillor E. Russell.
- 3.5 On the 6th November the Education and Children's Services Scrutiny and Overview Committee considered the matters in detail and received expert legal and technical

explanations in relation to the procurement process, including the consultation undertaken, preparation of the specification, notification of the tender, and the evaluation methodology and process. The Committee concluded that the process was fair, open and transparent, that it had been correctly adhered to, and that none of the organisations tendering for the contract had been disadvantaged. The Committee recommended Cabinet be requested to review its decision to ensure that there is no doubt that it is compliant with the principles and policies of the Corporate Plan and the Marmot principles.

3.6 On the 13th November a Special Cabinet meeting considered the recommendations from the Education and Children's Services Scrutiny and Overview Committee. Following consideration of legal advice and detailed evidence of compliance with the Corporate Plan priorities and Marmot principles, Cabinet unanimously re-affirmed its previous decision of 25 October 2017 to award to contract to Change Grow Live.

3.7 Letters were sent to all the tenderers, on the 16th November 2017 to

- give notification of Walsall Council's intentions to conclude the contract which required is and
- explain to them why the council has awarded the contract to a specific bidder.

This triggered a 10 day standstill period during which parties affected could challenge the procurement process. This standstill period ended on midnight 27th November 2017.

3.8 During the standstill period the council received correspondence from Palfrey Community Association. The contents of the correspondence was considered carefully by procurement and legal services and fully responded to on 29th November 2017, and within the response Palfrey CA was advised that the Council was going to proceed with the award of the contract, to the successful tenderers on the basis that:

- It had fully complied with the Public Contract Regulations 2015, in its conduct of tender for 0-19 Early Help Locality Children's Model including Centre Services in South & Central Walsall
- There were no valid grounds in accordance with the Public Contract Regulations 2015 not proceed to award the Contract

3.9 As the Council did not receive a prohibitive challenge to its notification of the intentions to award the contract to Change, Grow, Live on the 29th November 2017.

Legal advice in relation in relation to the request by petitioners

3.10 The Public Contract Regulations set out that once tenders have been submitted, they must be considered in accordance with the procedure set out in the regulations. The council is not entitled to be diverted from following these procedures and the required timescales. The submission of an online petition, even one with a substantial number of signatures, cannot alter the position by reason of these regulations and therefore the award was confirmed before the Council was able to discuss the petition.

Addressing the specific concerns raised in the petition

3.11 Although the petition cannot alter the decision making process, the council would like to reassure the community of its intention to ensure that CGL will continue to deliver the services that families in the Palfrey Community have accessed and that they say have changed their lives.

3.12 Through the procurement process CGL provided detailed information on their capabilities to deliver quality services to children, young people and their families and how their

proposed delivery model is going to meet the needs of the local communities in the Central and South Area. The model includes partnerships with other organisations including a local outstanding child care provider and a local provider with expertise in supporting victims of Domestic Abuse.

- 3.13 Palfrey Sure Start Children's Centre staff will all have the opportunity to move across to the new provider which will help with service continuity and the retention of key relationships.
- 3.14 Robust monitoring and management arrangements during the term of the contract by the council will ensure that CGL deliver service to the standard set out in the service specification and that the objectives and required outcomes are satisfied. Service user feedback on satisfaction delivery of the service will be an important element of the monitoring arrangements that will be in place.
The contract arrangements also contain provision for the council to take appropriate action in the event that the standard, service objective or outcomes are not met.
- 3.15 The council has already began working in partnership with Palfrey CA and CGL to ensure that transition arrangements are well planned and managed and impact on service users in minimal. In addition the council is facilitating discussions between Palfrey CA and CGL about the the potential to continue to use f the Sure Start Building as the Hub to deliver the 0-19 locality services from.
- 3.16 We will expect the new provider to consult with the service users and the wider community to ensure that services meet local needs and secure positive outcomes for children in Palfrey as part of the Central and South Community. CGL have indicated that they would like to start consultation and engagement with service users and the wider community at the end of January 2018.
- 3.17 Isabel Vanderheeren, the council's lead officer on implementation of the new contract on behalf of the Council has also offered to meet with service users and the wider community to discuss their concerns and ensure that these are addressed in the transition arrangements. Services users have requested that this meeting takes place after the debate in the Council meeting.

Sally Rowe
Executive Director, Children's Services

22 December 2017