




Haringey Council

Report for:	Cabinet on 16th April 2013	Item Number:	
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Title:	Delivering Targeted Services for Haringey's Orthodox Jewish Community
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Report Authorised by:	 pp Libby Blake, Director of the Children and Young People's Service
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Lead Officer:	Ngozi Anuforo, Early Years Commissioning Manager
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Ward(s) affected: All	Report for Key/Non Key Decisions: Non-Key Decision
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1. Describe the issue under consideration

- 1.1 The purpose of this report is to seek Cabinet's agreement to waive the requirement to use the quotation procedure under Contract Standing Orders (CSO) 8.01, as allowed under CSO 10.1 in respect of 4 contracts for the provision either of early education and childcare or of family support and children's centre services targeted at the Orthodox Jewish Community within Haringey.
- 1.2 Approval of the waivers would allow further contracts to be awarded by the Director of the Children and Young People's Service to the existing providers in the circumstances explained in the report.
- 1.3 There are a limited number of Orthodox Jewish providers for these types of services. All the current providers are located within the London Borough of Hackney and there are no similar providers within Haringey. Therefore, it is necessary for the Council to enable services to be more easily accessible for children and families resident within Haringey. The nearest alternative services are located within the London Borough of Barnet but it is felt that the distance to services are prohibitive to families within Haringey.



2. Cabinet Member introduction

- 2.1 Ideally we would be seeking to tender the services for the Orthodox Jewish Community that are outlined in this report on the basis of a robust needs assessment. This work has been commissioned by Public Health but is not yet complete and the contracts need to be in place from 1 April 2013. It is therefore proposed to award the interim contracts with a waiver of the quotation procedure. In future with the needs assessment completed it will be possible to undertake a full assessment of how best Haringey can provide services to support the Orthodox Jewish Community and we will tender for services accordingly. I therefore recommend that the waiver is agreed by Cabinet.

3. Recommendations

- 3.1 That Cabinet agree waiver of Contract Standing Orders (CSO) 8.01 (requirement to use quotation procedure for contracts valued £100,000 or less) as allowed under CSO 10.1 on the ground, as set out in CSO 10.01.2 (d), that it is in the Council's overall interest in respect of the following contracts:

Provider	Service Type
Yesoday Hatorah Community Nursery	Childcare
Chabad Lubavitch UK	Childcare
Lubavitch Ruth Lunzer Girls Primary School	Children's Centre Services
Ezer Leyoldos Limited	Family Support

4. Other options considered

- 4.1 The option of tendering all expiring contracts for 1st April 2013 was considered and discounted on the grounds that:
- 4.1.1 The tendering process would need to be informed by a robust assessment of need; this exercise has already been commissioned by Public Health but is not scheduled for completion in the timescales needed for a tendering exercise to be completed; with contracts in place from the 1st April 2013.
- 4.1.2 The proposal is for interim one year contracts with an option to extend for a further year. This has been discussed with the Corporate Procurement Team, and it was concluded that the proposed approach represents the best and most appropriate way forward for the Council. The option to deliver these in-house has been explored but at this time it is not feasible to develop alternative provision that is culturally appropriate.



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4.1.3 It is intended that the initial one year contract period will enable the Children and Young People's Service to maintain service provision whilst all contracts, monitoring processes and outcomes are reviewed as part of a move by the Children and Young People's Service to an integrated commissioning process; with a particular focus on value for money.

5. Background information

- 5.1 Haringey's Children and Young People's Service has a number of contracts with providers from within the Orthodox Jewish community who have been commissioned to provide targeted services for children, young people and their families. Existing contracts expire on the 31st March 2013, and it is now necessary to put new contracts in place from April 2013.
- 5.2 A research project into the needs of Haringey's Charedi community has been commissioned by Public Health with the aim of understanding and mapping the needs of Haringey's Orthodox Jewish community. It is proposed that existing contracts are extended for 2013-14 in order to prevent disruption to current service provision whilst the Council undertakes the research and reviews its children and young people's service offer.
- 5.3 An internal transformation programme and the development of Haringey's Strategy for Early Help provide the context for a Children and Young People's Service (CYPS) review of all commissioned services.
- 5.4 There is a need to develop future commissioning intentions informed by the processes outlined in 4.1.1 and 5.3; ensuring that the future provision of services is shaped by a better understanding of the needs within the community and fit with Council priorities for all of Haringey's children and young people. As the future picture for CYPS commissioning evolves over the coming year, it is felt that the continuation of current commissioned services, on an interim basis, will provide the stability needed to ensure vulnerable children from Haringey's Charedi community are supported, in collaboration with the London Borough of Hackney, and will enable effective planning for the tendering of services for 2014/15.
- 5.5 During the 2013/14 interim period, there are a number of projects that will be progressed through further collaboration with providers from within the Orthodox Jewish community. These are set out below;
- 5.6 The planned expansion of Haringey's Two Year Old programme should see an increase in the number of 15 hours per week free early education places provided for children from the Charedi community from September 2013. To meet our targets for Haringey, it is anticipated that there will need to be an expansion to our current commissioned place provision within two Orthodox Jewish nurseries to include an additional three. All five nurseries are located within the Stamford Hill area of the London Borough of Hackney.



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- 5.7 A review of CAF referrals in 2012 indicated that the number of CAF referrals being received were relatively low. This led to discussions with representative organisations from the Charedi community and the subsequent development of a proposal to widen existing family support contracts to include a pilot project targeting families at Tier 2a of Haringey's threshold of need. The aim of the pilot is to gather better information about need through the completion of CAFs, attendance at regular 'vulnerable' children and 'Team around the Family' meetings and the provision of a drop-in service within a Haringey based children's centre. A key outcome of the pilot is to encourage the community living within Haringey to use the Haringey facility and develop an appropriate base for culturally appropriate services within the borough. The cost of this pilot is anticipated to be approximately £4,000.
- 5.8 A continuation of the existing family support contract in 2013/14 for the delivery of culturally appropriate family support, at Tier 2b and above on Haringey's threshold of need, will be supported by spot contracting arrangements in the event that we have a need to increase current levels of family support capacity.
- 5.9 As part of our LSCB best practice approach, the child protection policies of all commissioned services will be reviewed as part of the contracting process and we will continue to cascade access to safeguarding training through the LSCB's rolling programme.
- 5.10 The child protection processes for all contracted providers will be reviewed and will take into account recording and referral processes, as well as the quality of data and information received as part of contract monitoring.
- 5.11 This report proposes the waiving of the contract standing orders quotation procedure in respect of the provision of certain contracts managed by the Children and Young People's Service, currently due to expire on 31st March 2013.
- 5.12 Approval of the waivers would allow the Director of the Children and Young People's Service, in accordance with CSO 9.7, to make the awards for new contracts. It is proposed to seek the Director's approval for a further one year contract for the period 1st April 2013 to 31st March 2014 to existing providers with an option in each contract to extend for a further one year. Further details on the service provision under each of the four existing contracts is set out in 5.12.1 to 5.14 below:

5.13 Early Education and Childcare

- 5.13.1 The Council, through the Early Years service, has been commissioning childcare places in two Orthodox Jewish nursery provisions in order to improve access to provide culturally specific early education for vulnerable children aged two to five years olds.



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5.13.2 Yesoday Hatorah is a community nursery and provides access for vulnerable children from Haringey to good quality, early education. The funding enables the provider to offer subsidised places for approximately ten children.

The current value of this contract with Yesoday Hatorah is contained in the report in Appendix I.

5.13.3 Lubavitch Nursery, owned by Chabad Lubavitch UK, delivers early education and has a contractual relationship with Haringey in which funding has been provided to enable the nursery to offer subsidised places for approximately nine vulnerable children from Haringey.

The current value of this contract with Lubavitch Nursery is contained in the report Appendix I.

5.14 Family Support

5.14.1 Ezer Leyoldos Ltd have been commissioned to provide culturally appropriate family support services to Haringey children, as part of Children in Need (CIN) or Child Protection (CP) Plans. This contract is intended to provide family support to approximately 20 families per year.

The current value of this contract with Ezer Leyoldos Ltd is contained in Appendix I.

5.15 Children Centre services

5.15.1 Lubavitch Children's Centre in Hackney, is part of Lubavitch Ruth Lunzer Girl's Primary School and provides Orthodox Jewish children under 5 and their families with access to a range of services including, integrated education and care, family support and child and family health services. Haringey Council have an agreement in place to make an annual contribution to the revenue cost of running the centre in order to enable families with children under 5 from Haringey's Orthodox Jewish Community to be able to access children's centre services within a culturally appropriate setting.

This contract is intended to provide 100 Haringey children under the age of five with access to children's centre services each year.

The current cost of this contract with Lubavitch Ruth Lunzer Girls Primary School is contained in Appendix I.

6. Comments of the Chief Finance Officer and financial implications

6.1 We have historically funded childcare places and family support for Orthodox Jewish children living in Haringey in the London Borough of Hackney from the Council's General Fund. This report recommends extending the current arrangements which can be funded from the available budget in 2013-14.



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6.2 The commitment to ensure that a robust needs assessment will drive future commissioning is welcomed. Approval of this waiver for the award of 2013-14 contracts will provide time for a robust competitive process in advance of awarding contracts for 2014-15.

7. Head of Legal Services and legal implications

7.1 The services to which this report relates are Part B services for the purposes of the Public Contract Regulations 2006 (PCR). Therefore the full EU procurement regime is not applicable and, in particular, there is no automatic requirement to advertise the services in the Official Journal of the European Union (OJEU).

7.2 However, general EU law procurement principles and Contract Standing Orders (CSO) still apply. Under CSO 8.5 the Head of Procurement is responsible for monitoring whether the quotation procedure or some other procedure such as wider advertising or tendering is necessary to meet best value and EU law requirements.

7.3 Under CSO 10.01.01, CSOs other than CSO 5 may be waived on the grounds set out in CSO 10.01.2. CSO 5 is inapplicable as it relates to contracts covered by the full EU regime in the PCR.

7.4 This report is seeking a waiver of CSO 9.01 (requirement to use the quotation procedure) on the grounds allowed by CSO 10.01.2(d), namely that it is in the Council's overall interest.

7.5 As the value of each of the proposed contracts is less than £100,000, a waiver in respect of each of them may be approved by a Director under CSO 10.01.01(b). However, given that the total value of the related package of contracts is over £100,000, it is convenient and prudent for Cabinet to approve the waiver of the default CSO procedure. If a waiver is approved, the Director would then also have power under CSO 9.07 to award each contract.

7.6 Provided Cabinet is satisfied that in all the circumstances, including the advice of the Head of Procurement on achieving best value, the proposed waivers are in the Council's overall interest, there is no legal reason preventing Cabinet from approving the recommendation in paragraph 3 of this report.

8. Equalities and Community Cohesion Comments

8.14 The providers will be required to operate a robust Equality Policy that complies with all relevant legislation and is reviewed on an annual basis.

8.15 The Council will monitor all equality considerations throughout the life of the contracts.

9. Head of Procurement Comments



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- 9.1 This is a very restricted Market and the pilot scheme outlined in 5.7 will be a valuable addition to service provision.
- 9.2 The nursery costs show a large differential that needs to be addressed as part of the new award of contract process.
- 9.3 The HOP would expect all referrals to go to the best value provider in the first instance, and then in order of cost, to ensure we achieve the Best value in this provision.
- 9.4 Subsequent to this waiver report, an award of contract report will need to be authorised by the Director of Childrens and Young Peoples services and new contract and service specifications put in place
- 9.5 As part of contract monitoring the child protection processes for all contracted providers will be reviewed and will take into account recording and referral processes, as well as the quality of data and information received.
- 9.6 Approval of this waiver for the award of 2013-14 contracts will provide time for a robust competitive process in advance of awarding contracts for 2014-15.

10. Policy Implication

- 10.1 There are no policy implications.

11. Use of Appendices

- 11.1 Appendix 1 – Proposed award of contracts – contract values

12. Local Government (Access to Information) Act 1985

- 12.1 N/A.



Appendix 1

1.0 Proposed award of contracts – contract values

Name of Provider	Contract Period	Maximum Contract Value	Budget
Yesoday Hatorah Community Nursery	(i) Value of contract in 2012/13 - £20,000 - Proposed contract for one year from 1 st April 2013 (with option to extend for further year) is proposed to be the same.	£40,000	Core Council funding
Chabad Lubavitch UK	(ii) Value of contract in 2012/13 - £36,400. Proposed contract (with option to extend for further year) for one year from 1 st April 2013 is proposed to be the same.	£72,800	Core Council funding
Lubavitch Ruth Lunzer Girl's Primary School	(iii) Value of contract in 2012/13 - £33,000. Proposed contract (with option to extend for further year) for one year from 1 st April 2013 is proposed to be the same.	£66,000	Core Council funding
Ezer Leyoldos Limited	(iv) Value of contract in 2012/13 - £12,000. Proposed contract (with option to extend for further year) for one year from 1 st April 2013 is proposed to be the same.	£24,000	Core Council funding