

CHILDREN'S SERVICES PORTFOLIO DECISION RECORD

29 January 2008

The meeting commenced at 10.00 a.m. in Conference Room 2, Belle Vue Community Sports and Youth Centre, Kendal Road, Hartlepool

Present:

Councillor Cath Hill (Children's Services Portfolio Holder)

Officers: Paul Briggs, Assistant Director - Resources & Support Services
Margo McIntosh, Interim Assistant Director
Sue Johnson, Assistant Director - Planning & Service Integration
Ian Merritt, Head of Commissioning and Children's Partnership
Sarah Bird, Democratic Services Officer

30. Local Government Access to Information

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 31 – Procurement of Electronic Learning Software to support the Protocol Integrated Children's System (Para 3 namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

31. Procurement of Electronic Learning Software to support the Protocol Integrated Children's System *(Head of Commissioning and Children's Partnership)*

Type of Decision

Non key.

Purpose of Report

1. To seek approval for the procurement of an electronic learning package to support the Protocol Integrated Children's System.

2. To request a direction for an exception to the Council's Contract Procedure Rules in respect of this purchase

Issue(s) for consideration by Portfolio Holder

A report outlining the business case justifying the procurement of electronic learning software to support the Protocol Integrated Children's System and requesting a direction for an exception to the Council's Contract Procedure Rules in respect of this purchase was presented to the Portfolio Holder.

Decision

The Portfolio Holder approved the proposed purchase of an electronic learning package to support the Protocol Integrated Children's System.

The Portfolio Holder also directed an exception to the Council's Contract Procedure Rules in respect of the above procurement.

32. To Approve and Make an Instrument of Government
(Assistant Director - Planning & Service Integration)

Type of Decision

Non key.

Purpose of Report

To request the Portfolio Holder for Children's Services to approve and make an Instrument of Government for Access to Learning (A2L) in order to establish a new constitutional model for the Management Committee.

Issue(s) for consideration

The Department for Children, Schools and Families (DCSF) had published Guidance on Management Committees for Pupil Referral Units – Constitution and Roles and Responsibilities as well as a further document, Guidance on the Procedures for the Operation of Management Committees for Pupil Referral Units on the 13th November 2007.

The regulations require that by 31 January 2008 Local Authorities must secure a constitutional model for each Pupil Referral Unit (or group of PRUs) which will take effect from 1 February 2008, under an instrument of government and by the 1 February 2008 all Pupil Referral Units must operate a management committee set out in an Instrument of Government under the Regulations. Details of the regulations required that the Instrument of Government provided were outlined including:-

- The name, address and Departmental number of the PRU
- The name of the management committee
- The number of members in each category
- The total number of members

- The term of office of any category of member if less than four years
- The date the instrument takes effect, which could not be before 1 February 2008

The Management Committee of Access to Learning at its meeting held on the 8th January 2008 approved the Instrument of Government, the structure, functions and operational procedures for the Management Committee. The Management Committee decided that the total membership would be 11 comprising of Community, Parent, Staff and Local Authority members which accords with DCSF guidance:

The Portfolio Holder queried the composition of the community members, and it was clarified that these consisted of people and organisations with an interest in young persons. There is currently no nomination for a parent member and the staff member is still to be elected. The Portfolio Holder asked that attendance be monitored carefully.

Decision

The Portfolio Holder approved and made the Instrument of Government as outlined.

33. Statement of Purpose for the Adoption Service *(Interim Assistant Director)*

Type of Decision

Non key.

Purpose of Report

To seek approval for the Statement of Purpose for the Adoption Service

Issue(s) for Consideration

The National Adoption Standards require Local Authorities to have a Statement of Purpose for the Adoption Service which should set out the details of how the service will be operated and would be examined as part of the regular inspections by Ofsted.

Hartlepool Borough Council (HBC) approved an original Statement of Purpose for the Adoption Service in 2003 but this has been reviewed and revised in line with the gradual implementation of the Adoption and Children Act 2002. The value statements which underpin the provision of adoption services in Hartlepool were outlined and it was clarified that adoption means an Adoption Order under the 2002 Act and vests parental responsibility in the adopters. The Order extinguishes the rights and duties of birth parents.

HBC Adoption Service aims to provide a range of adoptive placements for

those children requiring permanent substitute families and aims to ensure that prospective adopters are provided with the skills, knowledge and support to enable them to meet the assessed needs of children and to provide a safe and secure home environment. The Adoption Service will in its delivery, support Hartlepool Children's Services in meeting the five 'Every Child Matters' outcomes and provides support and advice for adopters and children. HBC entered into a formal contract with the After Adoption agency specialising in post adoption support. There are currently 5 team members in the Adoption Agency service and there is an Adoption and Permanence Panel which meets monthly, comprising of the statutory ten members, which is critical to the monitoring and quality assurance of the work of the agency.

There is a recognised complaints procedure available for users of services, carers of those using services, potential service users, foster carers or adopters. This can also be used to appeal about a decision made about a service provided by the department.

The Statement of Purpose will be reviewed no later than October 2008 and at least annually after that. The Statement, incorporating any amendments, must be considered by the Portfolio Holder for Children's Services at least annually.

Decision

The Portfolio Holder agreed the Statement of Purpose for the Adoption Service.

34. Engagement of a Client Design Adviser for the Building Schools for the Future (BSF) Programme *(Assistant Director - Resources & Support Services)*

Type of Decision

Non key.

Purpose of Report

To seek approval to engage a Client Design Adviser for the BSF programme.

Issue(s) for Consideration

HBC joined the national BSF programme in autumn 2007 and as part of this process, the use of Client Design Advisers (CDA) is required by Partnerships for Schools (PFS) and the Department for Children, Schools and Families (DCSF) on all BSF projects in order to ensure high quality outcomes from investment in schools' premises and facilities. A Client Design Adviser is a skilled experienced architect who could advise the

Authority on all aspects of design for each school and help achieve high quality buildings. The CDA will work alongside other external advisers, the Schools Transformation Team and the Authority's design champion.

Following advice from PFS, Children's Services Department planned to begin tendering processes if the Portfolio Holder approves of the engagement of a CDA. Suitable architects on a list provided by the Royal Institute of British Architects would be invited to submit a tender to provide specific BSF advice to the Council in order to ensure high quality outcomes from investment in schools' premises and facilities. If a CDA is not engaged, Hartlepool may not receive the required range of expertise and experience necessary to produce designs of sufficient quality and innovation. The funding for these is available through the BSF budget reserve.

Decision

The Portfolio Holder approved the engagement of a CDA for the BSF programme.

35. Engagement of a Financial Adviser for the BSF Programme *(Assistant Director - Resources & Support Services)*

Type of Decision

Non key.

Purpose of Report

To seek approval to engage a Financial Adviser for the BSF Programme.

Issue(s) for Consideration

HBC joined the national BSF programme in autumn 2007 and as part of this process the Council requires the support and advice of external Financial Advisers with experience of BSF projects. It was anticipated that the Financial Advisers would support the Schools Transformation Team in the following key areas:-

- developing an affordable Estate Strategy
- preparing the Outline Business Case including preparation of shadow financial models
- preparing an initial view on Accounting Treatment for the project
- contributing to the process of developing an Output Specification
- preparing for the procurement process
- developing evaluation criteria for the financial component of bidders submissions
- reviewing bidders' financial models

- advising on financial negotiations
- assisting in the preparation of a Final Business Case (FBC).

It has been agreed that the level of financial advice and experience that is required for the successful implementation of BSF is not available within the Council and the Children's Services Department planned to begin the tendering processes in the near future. There are 7 companies listed on the Partnerships for Schools National Procurement Framework who will be invited to submit a tender to provide specific BSF financial advice to the Council. It is anticipated by government that all BSF authorities will access expert financial advisers to provide the guidance and expertise necessary to further the programme. If financial advisers are not engaged to support the programme, Hartlepool may not receive BSF investment. The funding for the engagement of these advisers is available through the BSF budget reserve, as identified in the BSP budget plan.

Decision

The Portfolio Holder approved the engagement of a Financial Adviser for the BSF programme.

36. Engagement of a Legal Adviser for the BSF Programme *(Assistant Director - Resources & Support Services)*

Type of Decision

Non key.

Purpose of Report

To seek approval to engage a Legal Adviser for the BSF Programme.

Issue(s) for Consideration

As part of Hartlepool's involvement in the BSF programme since autumn 2007, the Council will require the support and advice of external Legal Advisers with experience of BSF projects. It is anticipated that the Legal Advisers will support the Schools Transformation Team in the following key areas:-

- assisting in the development of the overall procurement strategy
- preparing all legal requirements to start the procurement
- maintaining contact with bidders through bidder clarification meetings at different stages of the procurement phase
- assisting in the refinement of standard Partnerships for Schools evaluation criteria for the legal component of the bid
- evaluating the legal component of Invitation To Negotiate submissions and preparing the legal component of the report on bids

- assisting in the preparation of a Final Business Case (FBC).

Following discussions with colleagues in Corporate Services, it has been agreed that the level of legal advice and experience that is required for the successful implementation of BSF is not available within the Council. There is currently an existing framework agreement with two legal companies listed on the Partnerships for Schools National Procurement Framework and therefore it is not necessary to issue a formal invitation to Tender, but both companies will be invited to attend an interview with members of the Schools Transformation Team and legal representative from the Council.

The funding for the engagement of these advisers is available through the BSF budget reserve as identified in the BSF budget plan.

Decision

The Portfolio Holder approved the engagement of a Legal Adviser for the BSF programme.

37. Local Government Access to Information

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 38 – Engagement of an Education Adviser for the BSF Programme – Update Report (Para 3 namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

Minute 39 – Children's Homes: Regulation 33/34 Reports (Para 1 – information relating to any individual

38. Engagement of an Education Adviser for the BSF Programme – Update Report *(Assistant Director - Resources & Support Services)*

Type of Decision

Non key.

Purpose of Report

To update the Portfolio Holder on the appointment process for an Education Adviser for the BSF programme and to seek approval for an alternative solution to be followed.

Issue(s) for consideration

A report was presented providing an update on the appointment process for an Education Adviser to support the Authority in its preparation of the BSF Strategy for Change and Outline Business Case. The report also sought the agreement of the Portfolio Holder to follow an alternative solution in the engagement of education advice in light of the results from the tendering process undertaken.

Decision

The Portfolio Holder approved the engagement of an Education Adviser for the BSF Programme through an alternative route.

39. Children's Homes: Regulation 33/34 Reports (Para 1)
– Director of Children's Services

Type of Decision

Non key.

Purpose of Report

To present the Regulation 33/34 (formerly Regulation 22) report of visit to Children's Home for Exmoor Grove.

Issue(s) for Consideration by the Portfolio Holder

The report covered the month of October 2007.

Decision

That the report be received and noted.

J A BROWN

CHIEF SOLICITOR

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