

**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**10 March 2022**

**Report of the Executive Director  
of Children's Services**

**Procurement of the Holiday Activity and Food Programme 2022 onwards**

**1. Divisions Affected**

1.1 Countywide.

**2. Key Decision**

2.1 This is not a key decision.

**3. Purpose**

3.1 The purpose of this report is to ask Cabinet to note the urgent decision taken by the Executive Director of Children's Services on 11 February 2022 to approve:

- a) the proposed spending plans for delivery the Easter Holiday Activity and Food Programme (HAF); and
- b) procurement of a contract for the provision of HAF services from 1 May 2022 to the 31 March 2023 with options to extend for up to 5 years subject to satisfactory performance and the availability of ongoing funding for the service.

The urgent decision was required because it was not possible to seek the necessary approvals from Cabinet in view of the short timescales involved to get a holiday activity programme in place for Easter 2022 and a longer term contract for the provision of HAF services from May 2022 onwards .

The urgent officer decision report is attached in Appendix 2.

#### **4. Information and Analysis**

- 4.1 The Holiday Activities and Food Fund was first announced by the Department for Education in November 2020 and the County Council received funding of £2.8 million to coordinate free holiday provision - including healthy food and enriching activities for 2021/22.
- 4.2 The aim of the programme is to make free holiday places available to children aged 5-16 years eligible for free school meals for the equivalent of at least four hours a day, four days a week, six weeks a year. This would cover four weeks in the summer and a week's worth of provision in each of the Easter and Christmas holidays.
- 4.3 On 27 October 2021, the government announced a further investment of over £200m per year over the next 3 financial years for the holiday activities and food programme (HAF) which follows the successful roll out of the programme across England in 2021.
- 4.4 On 20 December 2021 the Council was notified that it would receive an allocation of £ 2.858m for 2022 to extend the programme and to make free places at holiday clubs available in the Easter, summer and Christmas school holidays in 2022.
- 4.5 On 21 December 2021 the Children's Services (CS) Senior Management Team (SMT) considered a report setting out three 'options' for the future implementation of the Holiday Activities and Food programme. CS SMT agreed the option to seek an external provider to deliver all aspects of the HAF service and programme as the preferred delivery model for 2022 onwards.

#### **Proposals for delivery of 2022 HAF programme**

- 4.6 Given the government announced of a further investment of over £200m per year over the next 3 financial years for the holiday activities and food programme (HAF) it is proposed that the Council procures a contract for the provision of HAF services from 1 May 2022 to the 31 March 2023 with options to extend for up to 5 years subject to satisfactory performance and the availability of ongoing funding for the service.
- 4.7 It will not be possible to procure a contract in time to deliver the Easter HAF provision, so it is proposed that the arrangements approved for the 2021 HAF programme by the Executive Director of Children's Services on 15 March 2021 and noted by Cabinet on the 15 April 2021 are extended to cover this holiday period. The CS Programmes team will invite the existing network of providers to work with the Council on delivering the Easter programme of holiday activities.

## **5. Alternative Options Considered**

5.1 Three other options were considered:

- to continue to manage the programme internally with the Council maintaining control of all programme management functions. This was not recommended as implementing the HAF programme requires significant programme management capacity including a multi-disciplinary team with a variety of skills, experiences and expertise.
- to develop a blended management model splitting the available infrastructure and programme management funding between the Council and contracted partners. This was not recommended as it would require significant additional capacity to manage multiple contracts.
- to not extend the scheme. This is not recommended as children, families and vulnerable adults would not receive the benefits from the scheme.

5.2 The procurement of the Holiday Activities and Food Programme will be addressed in the Departmental Service Plan (Forward Plan of Procurements) to be submitted to Cabinet for approval on 10 March 2022.

## **6. Implications**

Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **7. Background Papers**

7.1 The following background reports and published documents are available to aid decision making:

Cabinet Report: Urgent Decision Taken by The Executive Director and Approval for Procurement Process and Award of Contract for Holiday Activities and Food Programme Fund 15 April 2021.

HAF 2022 Guidance for LAs – December 2021

Section 31 Grant Determination for the Holiday Activities and Food Programme 2022: 31/5854.

Letter from Department for Education dated 20 December 2021

## **8. Appendices**

- 8.1 Appendix 1- Implications.
- 8.2 Appendix 2 - Urgent Decision Report of the Executive Director Children's Service 7 February 2022

## **9. Recommendation(s)**

That Cabinet notes the decisions made under urgent delegated powers.

## **10. Reasons for Recommendation(s)**

- 10.1** To inform Cabinet of the use of urgent delegated powers and to ensure there is appropriate transparency and oversight of their use.

## **11. Is it necessary to waive the call-in period?**

- 11.1 No.

**Report Author:** Sarah Edwards, Head of Service - Programmes

**Contact details:** [sarah.edwards@derbyshire.gov.uk](mailto:sarah.edwards@derbyshire.gov.uk)

**Implications**

**Financial**

- 1.1 Derbyshire’s grant award is £2.858m and the indicative proportion to be spent on administration costs to deliver the scheme is 10%, equating to £0.285m for Derbyshire.
- 1.2 The full allocation of funding for 2022 is based on the delivery of the equivalent of six weeks provision – one week at Easter, four weeks during summer and one week at Christmas. It is therefore proposed to set aside and retain £98,010 to cover the strategic coordination of the HAF programme and utilise the remaining sum of £2,760,000 as set out in Table 1 below to deliver the Easter Programme and procure a contract for provision of HAF services from 1 May 2022 to the 31 March 2023.

**Table 1**

<b>Proposed allocation</b>	<b>Amount</b>	<b>Balance</b>
Total HAF allocation for 2022	£ 2,858,010	
Retained amount for Strategic Programme coordination	£98,010	£2,760,000 *
Easter 2022 (one sixth of *)	£460,000 (including £30k for admin)	£2,300,000
Summer and Christmas 2022 (five sixths of *) used to procure and external contract	£2,300,000 (including £150k for admin)	£0

- 1.3 In order to coordinate the HAF programme, manage performance of the external contractor and to comply with collection of data that the DFE requires in line with the HAF Programme guidance, it is proposed to utilise a portion of the administrative allowance to recruit a full time HAF Coordinator. The cost of this post including on costs will be covered from the £98k allocated for strategic programme coordination.
- 1.4 A payment of up to 80% of the Authority’s total 2022/2023 allocation will be made in April 2022 to the Authority by the Department following satisfactory receipt by 1 March 2022 of a report to the Department setting out:
- how the Authority’s 2022/2023 programme will work
  - how many children the Authority expects to work with in 2022/23.

- 1.5 A payment of up to the remaining 20% of the Authority's total 2022/23 allocation will be made in April 2023 to the Authority by the Department following satisfactory submission to the Department by 15 February 2023 of a report setting out:
- the actual number of children the Authority worked with during delivery of the programme at Easter, summer and Christmas in 2022.
- 1.6 The conditions of the grant and the payment and reporting arrangements are set out in Annex B of the Section 31 Grant determination letter for the Holiday Activities and Food Programme 2022: 31/5854. This was received from the Department of Education in a letter dated 20 December 2021.

## **Legal**

- 2.1 The Council's Constitution provides that "notwithstanding any other provision of the Constitution Executive Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.
- 2.2 Improvement and Scrutiny Procedure Rules State: "13(6) The call-in procedure set out above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. All reports recommending that decisions be taken should say whether or not it is proposed that call-in be waived. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 2.3 Procurement advice has been sought and it has been assessed that the proposal is in accordance with the Public Contracts Regulation 2015, regarding the urgency of ensuring services are provided during the Easter 2022 period and that proposed tender for the ongoing service provision which will published to the market.

## **Human Resources**

- 3.1 It is proposed that the County Council allocates approximately £60k of the administrative allowance to cover the full cost of recruiting to a new post of

HAF Coordinator to be based in the Programmes Team. This post will be recruited on a fixed term contract until 31 March 2023 when the funding expires.

## **Information Technology**

4.1 There are no additional IT implications.

## **Equalities Impact**

5.1 None.

## **Corporate objectives and priorities for change**

6.1 Vision Derbyshire is a strategic pillar within the Council Plan. One of the aims of Vision Derbyshire is to work collaboratively with district and borough councils and to do that well, it's important for the Council to have efficient and effective processes to both establish our lead role and also to be able to set up any collaborations with minimal disruption to efficiency. The Holiday Activities and Food programme will promote these aims.

6.2 Thriving communities is a strategic pillar within the Council plan and the Holiday Activities and Food Programme supports the DCC community vision to create thriving communities enabling partnerships with third sector organisations to develop their capacity to support some of the most disadvantaged communities.

## **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None

DERBYSHIRE COUNTY COUNCIL  
CHILDREN'S SERVICES  
EXECUTIVE DIRECTOR DECISION

**Procurement of the Holiday Activity and Food Programme 2022 onwards**

<b>Head of Service Submitting request</b>	Sarah Edwards
<b>Date of Submission</b>	7 <sup>th</sup> February 2022
<b>Date submitted to Executive Director</b>	7 <sup>th</sup> February 2022
<b>Executive Director Decision</b>	Approved
<b>Executive Director Approval</b>	Signed:   CAROL CAMMISS
<b>Date of Executive Director Decision</b>	7 <sup>th</sup> February 2022



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**7 February 2022**

**URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR OF  
CHILDREN'S SERVICES**

**Procurement of the Holiday Activity and Food Programme 2022 onwards**

**1.0 Divisions Affected**

1.1 All

**2.0 Key Decision**

2.1 Yes

**3. Purpose**

3.1 The purpose of this report is to ask the Executive Director of Children's Services for an urgent decision to approve the proposed spending plans for delivery the Easter Holiday Activity and Food Programme (HAF); and give permission to procure a contract for the provision of HAF services from 1 May 2022 to the 31 March 2023 with options to extend for up to 5 years subject to satisfactory performance and the availability of ongoing funding for the service. The urgent decision is required to be taken because it is not possible to seek the necessary approvals from Cabinet in view of the short timescales involved.

**4. Information and Analysis**

4.1 The Holiday Activities and Food Fund was announced by the Department for Education in November 2020 and the County Council was notified that it would receive grant funding of £2.858 million to coordinate free holiday provision - including healthy food and enriching activities for 2021/22. The focus of the programme was on children eligible for benefits-related free school meals aged 5-16 years.

The aim of the programme is to make free holiday places available to

children eligible for free school meals for the equivalent of at least four hours a day, four days a week, six weeks a year. This would cover four weeks in the summer and a week's worth of provision in each of the Easter and Christmas holidays.

- 4.2 Delivery of the 2021 HAF programme was impacted by uncertainties resulting from the Covid-19 Pandemic which meant that it was not possible to deliver a face-to-face programme during the Easter school holidays when provision was limited to a basic online offering via a bespoke website. However, the summer and Christmas programme were both very successful and the Council established a network of 62 providers to deliver over 60,000 holiday activity and food places to vulnerable children eligible to free school meals. An additional 816 places were offered by our sports and outdoor education services and our bespoke HAF website ([itsaboutmederbyshire.co.uk](http://itsaboutmederbyshire.co.uk)) received 41,000 visits over the Summer and Christmas holiday periods.

#### **HAF 2022 onwards**

- 4.3 On 27 October 2021, the government announced a further investment of over £200m per year over the next 3 financial years for the holiday activities and food programme (HAF) which follows the successful roll out of the programme across England in 2021.
- 4.4 On 20 December 2021 the Council was notified that it would receive an allocation of £ 2.858m for 2022 to extend the programme and to make free places at holiday clubs available in the Easter, summer and Christmas school holidays in 2022. Once again this will be targeted at children in the local authority area who are eligible for and receive benefits-related free school meals.
- 4.5 On 21 December 2021 the Children's Services Senior Management Team (SMT) considered a report setting out three 'options' for the future implementation of the Holiday Activities and Food programme. The report set out the anticipated opportunities and challenges of each option (set out in paragraph 6 of this report) based on the Programmes Team's learning from feedback from stakeholders engaged throughout the Council's pilot delivery year in 2021. It also noted that all options require a 'One Council' approach with corporate buy in from internal colleagues in schools and learning, school catering, finance, commissioning, legal, public health.
- 4.6 SMT agreed the option to seek an external provider to deliver all aspects of the HAF service and programme as the preferred delivery model for 2022 onwards.

#### **Proposals for delivery of 2022 HAF programme**

- 4.7 Given the government announced a further investment of over £200m per year over the next 3 financial years for the holiday activities and food programme (HAF) it is proposed that the Council procures a contract for

the provision of HAF services from 1 May 2022 to the 31 March 2023 with options to extend for up to 5 years subject to satisfactory performance and the availability of ongoing funding for the service.

- 4.8 It will not be possible to procure a contract in time to deliver the Easter HAF provision, so it is proposed that the arrangements approved for the 2021 HAF programme by the Strategic Director of Children’s Services on 15 March 2021 and noted by Cabinet on the 15 April 2021 are extended to cover this holiday period. The programmes team will invite the existing network of providers to work with the Council on delivery the Easter programme of holiday activities. The full allocation of funding for 2022 is based on the delivery of the equivalent of six weeks provision – one week at Easter, four weeks during summer and one week at Christmas. It is therefore proposed to set aside and retain £98,010 to cover the strategic coordination of the HAF programme and utilise the remaining sum of £2,760,000 as set out in Table 1 below to deliver the Easter Programme and procure a contract for provision of HAF services from 1 May 2022 to the 31 March 2023.

**Table 1**

<b>Proposed allocation</b>	<b>Amount</b>	<b>Balance</b>
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## **5. Consultation**

- 5.1 During the last year significant stakeholder consultation took place through an internal cross Council group including Derbyshire County Council (DCC) public health, school catering, community safety, CS early help, child protection and legal services, media and digital comms and finance.
- 5.2 Further consultation also took place with external council partners including Rural Action Derbyshire and the Community and Voluntary Sector (CVS) and the network of provider who were funded to deliver the programme in 2021. And all these groups were involved in a series of events to evaluate the summer HAF programme of activities and to identify areas of good practice, learning and priorities for improvement.

- 5.3 The Council is also a member of the DfE HAF Cluster stakeholder group which meets regularly share ideas and good practice.
- 5.4 A wider HAF steering group was established last year which included representatives from the local police and other uniform services, public health, school leaders, youth services, charities, and the voluntary sector. Membership of this steering group and its terms of reference is currently under review and the group will meet early in February 2022 to shape more detailed plans for Easter 2022 and will be involved in the evaluation of tenders.
- 5.5 Member consultation will be on-going throughout the programme via the lead member of Children Services.

## **6. Alternative Options Considered**

- 6.1 Three other options were considered:
- to continue to manage the programme internally with the Council maintaining control of all programme management functions.
  - to develop a blended management model splitting the available infrastructure and programme management funding between the Council and contracted partners and
  - to not extend the programme.
- 6.2 The Procurement of the Holiday Activities and Food Programme will be addressed in the Departmental Service Plan (Forward Plan of Procurements) to be submitted to Cabinet for approval on 10 March 2022.

## **7. Implications**

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

- 8.1 Cabinet Report: Urgent Decision Taken by The Executive Director and Approval for Procurement Process and Award of Contract for Holiday Activities and Food Programme Fund 15 April 2021.

HAF 2022 Guidance for LAs – December 2021

Section 31 Grant Determination for the Holiday Activities and Food Programme 2022: 31/5854.

Letter from Department for Education dated 20 December 2021

## **9. Appendices**

9.1 Appendix 1- Implications.

## **10. Recommendation(s)**

That the Executive Director of Children's Services makes an urgent decision to approve:

- the proposed outline spending plans for delivery the Easter Holiday Activity and Food Programme (HAF)
- the procurement of a contract for the provision of HAF services from 1 May 2022 to the 31 March 2023 with options to extend for up to 5 years subject to satisfactory contract performance and the availability of ongoing funding for the service, and
- the partial use of the funds of £98,010 is set aside for strategic coordination and administration of the programme including recruitment to a new post of HAF Coordinator to coordinate the programme, manage performance of the external contractor and to comply with collection of data that the Department for Education (DFE) requires in line with the HAF Programme guidance.

## **11. Reasons for Recommendation(s)**

11.1 This option is the only option which is available to meet the timescale to secure delivery the Easter programme and to procure a contract in time to mobilise provision for the summer HAF provision. It also provides the option to extend this provision in future years subject to satisfactory performance and the availability of ongoing funding for the service

## **12. Is it necessary to waive the call in period?**

12.1 Yes.

12.2 Councillor Tony Kemp, Chair of Improvement and Scrutiny Committee – People has approved the waiver of the call in due to the urgent nature of the decision required; he has agreed that special urgency applies and supports the action being taken.

**Report Author: Sarah Edwards. Head of Service, Programmes Team**

**Contact details: [sarah.edwards@derbyshire.gov.uk](mailto:sarah.edwards@derbyshire.gov.uk)**

**This report has been approved by the following officers:**

<p><b>On behalf of:</b></p> <p>Director of Legal Services and Monitoring Officer Director of Finance and ICT</p>	<p>Paul Peat, Principal Solicitor - Legal Services Dean Bettison ACCA, Business Partner, Childrens Services</p>
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**Implications****Financial**

- 1.7 Derbyshire's grant award is £2.858m and the indicative proportion to be spent on administration costs to deliver the scheme is 10%, equating to £0.285m for Derbyshire.
- 1.8 The full allocation of funding for 2022 is based on the delivery of the equivalent of six weeks provision – one week at Easter, four weeks during summer and one week at Christmas. It is therefore proposed to set aside and retain £98,010 to cover the strategic coordination of the HAF programme and utilise the remaining sum of £2,760,000 as set out in Table 1 below to deliver the Easter Programme and procure a contract for provision of HAF services from 1 May 2022 to the 31 March 2023.

**Table 1**

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Summer and Christmas 2022 (five sixths of *) used to procure and external contract	£2,300,000 (including £150k for admin)	£0

- 1.9 In order to coordinate the HAF programme, manage performance of the external contractor and to comply with collection of data that the DFE requires in line with the HAF Programme guidance, it is proposed to utilise a portion of the administrative allowance to recruit a full time HAF Coordinator. The cost of this post including on costs will be covered from the £98k allocated for strategic programme coordination.
- 1.10 A payment of up to 80% of the Authority's total 2022/2023 allocation will be made in April 2022 to the Authority by the Department following satisfactory receipt by 1 March 2022 of a report to the Department setting out:
- how the Authority's 2022/2023 programme will work
  - how many children the Authority expects to work with in 2022/23.
- 1.11 A payment of up to the remaining 20% of the Authority's total 2022/23 allocation will be made in April 2023 to the Authority by the Department

following satisfactory submission to the Department by 15 February 2023 of a report setting out:

- the actual number of children the Authority worked with during delivery of the programme at Easter, summer and Christmas in 2022.

1.12 The conditions of the grant and the payment and reporting arrangements are set out in Annex B of the Section 31 Grant determination letter for the Holiday Activities and Food Programme 2022: 31/5854. This was received from the Department of Education in a letter dated 20 December 2021.

## **Legal**

2.1 The Council's Constitution provides that "notwithstanding any other provision of the Constitution Executive Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.

2.4 Improvement and Scrutiny Procedure Rules State: "13(6) The call-in procedure set out above shall not apply where the decision being taken by Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. All reports recommending that decisions be taken should say whether or not it is proposed that call-in be waived. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate Improvement and Scrutiny Committee should agree both the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

2.5 Procurement advice has been sought and it has been assessed that the proposal is in accordance with the Public Contracts Regulation 2015, regarding the urgency of ensuring services are provided during the Easter 2022 period and that proposed tender for the ongoing service provision which will be published to the market.

## **Human Resources**

3.1 It is proposed that the County Council allocates approximately £60k of the administrative allowance to cover the full cost of recruiting to a new post of HAF Coordinator to be based in the Programmes Team. This post will be recruited on a fixed term contract until 31 March 2023 when the funding

expires.

## Information Technology

4.1 There are no additional IT implications.

## Equalities Impact

5.1 None.

## Corporate objectives and priorities for change

- 6.1 Vision Derbyshire is a strategic pillar within the Council Plan. One of the aims of Vision Derbyshire is to work collaboratively with district and borough councils and to do that well, it's important for the Council to have efficient and effective processes to both establish our lead role and also to be able to set up any collaborations with minimal disruption to efficiency. The Holiday Activities and Food programme will promote these aims.
- 6.2 Thriving communities is a strategic pillar within the Council plan and the Holiday Activities and Food Programme supports the DCC community vision to create thriving communities enabling partnerships with third sector organisations to develop their capacity to support some of the most disadvantaged communities.

## Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

## Report Sign Off and Version Control

Report Title	Procurement of the Holiday Activity and Food Programme 2022 onwards
Author	Sarah Edwards
Meeting and Date	7 February 2022
Version	V1.1
Key Decision (published)	Yes
Exempt item (notice of private meeting published)	No

Implications	Name and Comments	Date Approved
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Finance	Dean Bettison ACCA, Business Partner, Children's Services	1 February 2022
Legal	Paul Peat, Principal Solicitor - Legal Services	1 February 2022
Human Resources	Catherine Parker, Senior HR Business Partner	10 February 2022
Information Technology	<b>NA</b>	
Procurement	Carolyn Knott, Senior Procurement Officer	1 February 2022
Equalities	<b>NA</b>	
Corporate Objectives and priorities for change	<b>NA</b>	
Consultation	<b>NA</b>	
Other – please specify		

Author's Directorate Sign Off

		Date
Executive Director	Carol Cammiss	7/2/22
DMT – if applicable	N/A	
CMT – if applicable	N/A	
Cabinet Member briefed	Cllr Patten	16/2/22