

DERBYSHIRE COUNTY COUNCIL

CABINET

15 April 2021

Report of the Executive Director of Children's Services

**URGENT DECISION TAKEN BY THE EXECUTIVE DIRECTOR AND
APPROVAL FOR PROCUREMENT PROCESS AND AWARD OF
CONTRACT FOR HOLIDAY ACTIVITIES AND FOOD PROGRAMME FUND**

Children's Services

Holiday Activities and Food Programme

1. Purpose of Report

Cabinet is requested to note the urgent decision taken by the Executive Director of Children's Services on 15 March 2021 to approve spending plans and other associated proposals for Derbyshire County Council's allocation of the Holiday Activities and Food Programme Fund.

Cabinet is also requested to delegate the award of contract/s and/or grants in relation to the Holiday Activities and Food Programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process.

2. Information and Analysis

On 8 November 2020, the Government announced that the holiday activities and food programme (HAF), which has provided healthy food and enriching activities to disadvantaged children since 2018, will be expanded across the whole of England in 2021. The programme covers the Easter, summer and Christmas holidays in 2021. It will be available to children in every local authority in England and will build on the success of the local holiday programmes that have been funded since 2018.

Further guidance to clarify the proposals was issued in February 2021 from the Department for Education with a go live date from the start of the Easter Holidays. Due to the planning restrictions imposed by the COVID lockdown and the eventual government COVID roadmap to recovery not being released until much later the parameters within which the scheme would operate and particularly the first element at Easter could not be determined. Therefore, time for normal decision-making protocols has not been possible. This Executive Directors Urgent Decision paper sets out the agreed options, delivery and spending plan for the Holiday Activity and Food Programme.

The request to delegate the award of contracts and/or grants in relation to the HAF programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process is made on the basis that there is not a meeting of Cabinet until June 2021. In order to comply with the timescales in relation to delivery of the HAF programme, the contractors and/or grantees will need to commence work to mobilise the new service before that date.

3. Financial Considerations

Derbyshire's grant award is £2.8m and the indicative proportion to be spent on administration costs to deliver the scheme is 10%, equating to £0.280m for Derbyshire.

The approach for Easter for virtual delivery is estimated to cost £55k for 4 days delivery, leaving £2.7m available for the administration, development and delivery of the five weeks face-to-face provision during the summer (4 weeks) and Christmas (1 week) holiday period.

The most appropriate procurement option will need to be assessed following the completion of the scoping work. Options, including estimates of the time required to mobilise the services (from the point at which a decision to move forward with the approach is made) are set out below:

- (a) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises. (16-18 weeks)
- (b) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises, in accordance with the accelerated procedure. (14-16 weeks).
- (c) Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier, under protocol 8 (10-12 weeks)
- (d) Publish an invitation for providers to submit an expression of interest, enabling supplier to provide details of services that could be provided and information on any constraints including minimum mobilisation periods. Following a review of the

information provided an informed decision could be made regarding the most appropriate procurement approach, as set out below:

- i. Undertake a procurement exercise under protocol 1. (20-22 weeks, including expression of interest period)
- ii. Undertake a procurement exercise under protocol 1, using the accelerated procedure (18-20 weeks including expression of interest period)
- iii. Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier identified through the expression of interest submissions and the wider market, under protocol 8 (14-16 weeks including expression of interest period)

4. Legal Considerations

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic 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."

The Director of Legal Services will provide appropriate advice in relation to procurement and award of contract/grant/s to ensure compliance with the County Council's Financial Regulations and relevant procurement regulations.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered: Human Rights, equality of opportunity, health, environmental, transport, property and crime and disorder considerations.

6. Background Papers

See attached Executive Director of Children's Services Urgent Decision.

7. Key Decision

Yes

8. Call-in

Is it required that Call-In be waived in respect of the decisions proposed in the report?

It has been agreed that Call-In has been waived in respect of the urgent decisions taken by the Executive Director of Children's Services – please see attached report.

There is no request to waive Call-In in respect of the delegation of the award of contract/s and/or grants in relation to the Holiday Activities and Food Programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process.

9. Officer's Recommendation

That Cabinet:-

9.1 notes the urgent decision taken by the Executive Director of Children's Services on 15 March 2021 to approve spending plans and other associated proposals for Derbyshire County Council's allocation of the Holiday Activities and Food Programme Fund.

9.1 delegates the award of contract/s and/or grants in relation to the Holiday Activities and Food Programme to the Executive Director Children's Services in consultation with the Cabinet Member for Young People on completion of the procurement process.

Jane Parfremment
Executive Director for Children's Services
CHILDREN'S SERVICES
EXECUTIVE DIRECTOR URGENT DECISION
Holiday Activity and Food Programme

Head of Service Submitting request	Isobel Fleming (Service Director – Commissioning and Transformation, Childrens Services)
Date of Submission	15 March 2021
Date submitted to Executive Director	15 March 2021
Executive Director Decision	Approved
Executive Director Approval	Signed:  JANE PARFREMENT
Date of Executive Director Decision	15 March 2021

DERBYSHIRE COUNTY COUNCIL

15 March 2021

Report of the Strategic Director for Children's Services

Holiday Activity and Food Programme

1. Purpose of Report

The purpose of this report is to ask the Executive Director for an urgent decision to approve spending plans and other associated proposals referred to in the report for Derbyshire County Council allocation of the Holiday Activities Fund. The scheme was announced in November 2020 with further clarifying guidance issued in February 2021 from the Department for Education with a go live date from the start of the Easter Holidays but due to the planning restrictions imposed by the COVID lockdown and the eventual government COVID roadmap [COVID-19 RESPONSE – SPRING 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91111/covid-19-response-spring-2021.pdf) to recovery not being released until much later the parameters within which the scheme would operate and particularly the first element at Easter could not be determined.

Therefore, time for normal decision-making protocols has not been possible. This paper sets out the recommended options for the delivery of a Holiday Activity and Food Programme for school children in Derbyshire aged 5-16 using the allocation of £2.8 million grant funding.

2. Background

On 8 November 2020, the Government announced that the holiday activities and food programme (HAF), which has provided healthy food and enriching activities to disadvantaged children since 2018, will be expanded across the whole of England in 2021. The programme will cover the Easter, summer and Christmas holidays in 2021. It will be available to children in every local authority in England and will build on the success of the local holiday programmes that have been funded since 2018. However, it should be noted that it is understood the funding model used by DfE was prepared before the Pandemic and assumes that not all eligible children will choose to access the service.

3. Analysis

School holidays can be particular pressure points for some families because of increased costs (such as food and childcare) and reduced incomes. For some children that can lead to a holiday experience gap - with children from disadvantaged families less likely to access organised out-of-school activities,

more likely to experience 'unhealthy holidays' in terms of nutrition and physical health and more likely to experience social isolation.

Free holiday clubs are a response to this issue and evidence suggests, (HAF 2021 guidance) that they can have a positive impact on children and young people and that they work best when they provide consistent and easily accessible enrichment activities, for more than just breakfast or lunch, and when they involve children (and parents) in food preparation.

Derbyshire County Council will receive grant funding to coordinate free holiday provision - including healthy food and enriching activities - for children who receive benefits-related free school meals. The focus of the programme will be on children eligible for benefits-related free school meals; Derbyshire's eligible cohort is in the region of 26,000 children. However, the scheme also encourages local authorities to consider the scheme being open to all children, some of whom would pay a fee for the activities. Therefore, the potential reach of the programme could be all Derbyshire's school aged population which is over 100,000 children.

The aim of the programme is to make free 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.

Under the scheme local authorities and their providers will have flexibility about how they deliver this level of provision to best serve the needs of children and families in their area. For example, at Christmas and Easter the option exists to spread a week's worth of provision across a two-week period. In the summer, under the guidance DCC could spread the equivalent number of hours over a longer period.

Local authorities will receive grant funding to deliver this provision. This will cover the provision of the free holiday places and the coordination of the programme locally. Derbyshire County Council may choose to coordinate the provision or may choose to work with other organisations to coordinate the provision on their behalf. Local Authorities are encouraged to work with a wide range of partners in the delivery of this programme.

This programme will provide an excellent opportunity to align to the Council Priorities of value for money, empowered and self-sufficient communities and focus on prevention and early intervention by providing free to access stimulating activities with food provision and for Children's Services to contribute to the Council Plan by keeping children safe, being a good corporate parent and championing high standards in education. Alignment will also be made to the priority to support self-sufficient communities and the objective to renew and develop a new offer to community and voluntary

groups supporting the sector to recover well and retain new volunteers and thrive, learning from the remarkable response of the community and voluntary sector to the pandemic.

4. Stakeholder consultation

Some stakeholder consultation has already taken place through an internal cross Council group including: DCC public health, school catering, community safety, CS early help, child protection and legal services, media and digital comms and finance.

Further consultation has taken place with external council partners including Rural Action Derbyshire and the Community and Voluntary Sector (CVS). DCC is also a member of the DfE HAF East Midlands planning group which met earlier this month to share ideas and good practice about proposed approaches.

A wider steering group will be established which will include representatives from the local police and other uniform services, public health, school leaders, youth services, charities and the voluntary sector. Once the plans for opening schools and the easing of other COVID related lockdown restrictions are known it will be clearer how partners can be engaged in delivery of the programme. The proposed phased approach will allow for collection of service user feedback about the delivery of Phase 1 to influence the design of Stages 2 and 3 of the programme. The Early intervention teams will seek the views of children and young people to input into the design and content of the Easter virtual provision and the summer full HAF provision.

Member consultation will be on-going throughout the programme via the lead member of Children Services.

5. Options Recommended for the Programme

Consideration has been given to the following options:

Recommendation 1: Activity Webpage – offer access to webpage where current area provision is sign posted using details from CVS as is already done in Amber Valley and also include details of where extra financial support or food provision can be obtained in their area as well as the same extra help listed in CWGS for families most in need. Additionally, add virtual and physical activities that children can access, for example taking part in an age appropriate exercise video or building something in the house like a den etc. New challenges can be updated daily over the 4-day period of the scheme. This will alleviate the probable expense of trying to procure/design activity packs that are likely to come at cost and are already being prepared by some

of the CVS. This option is recommended for Stage 1 of the programme during the Easter holidays.

Development of the recommendation has been constrained by the current lockdown situation, the closure of most community and leisure facilities and the constraints of social distancing to limit the spread of the virus. Given these limitations and the fact that the Government plans for easing the lock down was not published until late February, the activity webpage is strongly recommended. This is in line with the consensus of the DfE HAF East Midlands planning group meeting held on 9 February 2021.

Food provision for this part of the scheme will be covered by an extension of the COVID Winter Grant Scheme which allows for a third issue of shopping vouchers to those most in need which targets the same cohorts as identified in the this HAF proposal. Therefore, there is no requirement to find additional funding for food support from HAF.

Recommendation 2: External HAF provision

It is strongly recommended that this is an excellent option for the summer and Christmas programme where external food support can be provided and due to the economies of scale would be more affordable. In order to develop a clear vision and targeted plan for this provision, an urgent mapping exercise of need and current assets will be undertaken to inform scoping of the options for delivery of the summer and Christmas programmes. This will be used to determine the best procurement approach for Stage 2 and 3 of the programme.

Given the planned scale of delivery across the County, it is envisaged that the approach will include seeking expressions of Interest and/or offering grants to a range of Community and Voluntary sector partners. However, given the tight timeline to mobilise delivery of the programme in July, the need to allow time to scale up local delivery partners infrastructure and as there is not a Cabinet meeting May due to the elections, Cabinet approval will be needed for the award of contracts to be delegated to the Executive Director of Children's Services in consultation with the Cabinet Member for Young People. Awards will be based on the evaluation criteria and in line with the eligibility requirements of the HAF grant.

It is proposed, that DCC uses some of the administration allowance to appoint an external consultant or to second in expertise to the Programmes team to support with the design and delivery of the programme.

6. Other Options Considered

Numerous other options were considered for the programme including issuing vouchers to support Easter and designing a blended version for the same period but it was felt that these added little value and with the ongoing restrictions and unknown landscape were too complex to consider.

7. Reasons for Recommendations

The recommendations support the conditions and purpose of the grant as set by the government whilst meeting local priorities.

8. Recommended Delivery Plan

It is proposed to develop and deliver the programme in three stages. The first stage will cover the offer for the Easter holiday and the second and third stages will cover the summer and Christmas holiday programme.

Stage 1: Easter Holiday Delivery Plan –this will be based on the virtual solution set out in recommendation 1 due to COVID restrictions at the time. The service offer will include a virtual holiday activity package delivered via the website that will be available to all Derbyshire families and children. In support of this delivery option, the government issued on the 22 February 2021 The COVID Response – Spring 2021 Roadmap (para 104.) which refers to the HAF. “Children will still only be able to attend indoor childcare or supervised activities where doing so will allow parents or carers to work, seek work, attend education, seek medical attention or attend a support group. Vulnerable children can already attend these settings regardless of personal circumstance and the Government will also ensure any other child eligible for Free School Meals will be able to do so - ensuring they can attend those that are part of the Holiday Activities and Food Programme (HAF) running over the Easter holidays”. [COVID-19 RESPONSE – SPRING 2021 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92111/covid-19-response-spring-2021-roadmap.pdf)

Stage 2: Summer Delivery Plan – it is assumed that this would be the first opportunity to deliver an external holiday activities and food programme taking advantage of all the current CVS provision that exists in the County and supplementing it with more bespoke offers.

Stage 3: Christmas Delivery Plan – It is anticipated that the Christmas plan will follow whatever proves to successful in the summer, keeping in mind seasonal options and weather forecasts and building on learning and customer feedback from Stages 1 and 2.

9. Financial considerations

Derbyshire’s grant award is £2.8m and the indicative proportion to be spent on administration costs to deliver the scheme is 10%, equating to £0.280m for Derbyshire. Final Scheme guidance was received on Friday 5 February 2021 along with the Section 31 Grant determination for the Holiday Activities and

Food Programme 2021 which is set out in Table 1. The work to deliver Stage 1 has been costed and is set out in Table2.

Table 1

Derbyshire	
2020/21	£281,580
2021/22	£2,518,430
Total Maximum allocation	£2,800,010

Table 2

Budget for Easter Programme : Stage 1	Estimated costs
Estimated Web Page Content	£50,000
Administration @ 10%	£5,000
Total	£55,000

An initial delivery plan for Stage 1 was sent to the Department for Education (DfE) on 26 February 2021 setting out the scale and reach of the Easter programme in order to release the 2020/21 funding which is £0.282m. The detailed plan for Stage 2 and 3 will be finalised following approval of this Executive Directors report.

The approach outlined in section 5 above for virtual delivery is estimated to cost £55k for 4 days delivery (shown in Table 2), leaving £2.7m available for the development and delivery of the five weeks face to face provision during the summer (4 weeks) and Christmas (1 week) holiday period.

Furthermore, in partnership with the community and voluntary sector to assist in the development of the full-scale summer and Christmas programmes it is proposed that DCC either utilises part of the administration allowance to appoint specialist HAF programme expertise to the programmes team to bring experience, design, planning, implementation and delivery or tender for a community based provision. As part of the pilot Programme DfE has published a number of case studies of how the scheme has been deployed in local areas.

For the summer and Christmas programmes work will be undertaken to identify what additional funding can be attracted by partners in the community and voluntary sector or from philanthropic donations to match fund this HAF allocation and increase the budget available for these programmes.

10. Tender Process or Urgent Award Considerations

The recently published Procurement Policy Note – Procurement in an Emergency Information Note PPN 01/21 allows local authorities to procure

with accelerated timescales due to emergency. For procurements under the open procedure, timescales can be reduced to 15 days for receipt of tenders plus the minimum 10 days for the standstill period. However even with these reduced timescales the Tender process would exceed the time that would be required to put a robust HAF plan in place (assuming all procurement steps occurred without delay or complication); drawing up specification - 1 month; procure - 1 month; evaluation - 1 weeks, award under Executive Decision, supplier mobilisation and their planning timeline 6 – 8 weeks. This would reduce the planning timeline markedly and this is on the assumption that an external organisation submits a bid. Procurement Policy Note PPN 01/21 also allows for direct award of contracts due to reasons of extreme emergency. Therefore, should agreement be reached that the HAF would benefit from external expertise there would only be time to award without competition under Public Contracts Regulations 2015 32 (2).

The most appropriate procurement option will need to be assessed following the completion of the scoping work. Options, including estimates of the time required to mobilise the services (from the point at which a decision to move forward with the approach is made) are set out below:

- a) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises. (16-18 weeks)
- b) Undertake a procurement exercise under protocol 1, directly following completion of mapping exercises, in accordance with the accelerated procedure. (14-16 weeks).
- c) Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier in wider market, under protocol 8 (10-12 weeks)
- d) Publish an invitation for providers to submit an expression of interest, with responses detailing information about the services organisations could provide, and information on any constraints including minimum mobilisation periods. Following a review of the information provided an informed decision could be made regarding the most appropriate procurement approach as set out below:
 - i. Undertake a procurement exercise under protocol 1. (20-22 weeks)
 - ii. Undertake a procurement exercise under protocol 1, using the accelerated procedure (18-20 weeks)
 - iii. Utilise the negotiated procedure without prior publication to establish contracts directly with suitable supplier identified through the expression of interest submissions and the wider market, under protocol 8 (14-16 weeks)

11. Recommendation

It is recommended that community partners suitability to support the HAF provision is investigated via a tender process in line with the DfE requirements of the HAF grant.

12. Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate informal engagement and consultation has been undertaken and advice sought on these issues as required.

13. Legal considerations

The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic 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."

The 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 public interest. All reports recommending that decision to 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 was 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 circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency should be reported to the next available meeting of the Council, together with the reason for urgency.

Councillor Musson, Chair of the Improvement and Scrutiny Committee – People has approved the waiver of call-in due to the urgent nature of the decision required; has agreed special urgency applies and the notice of key decision is not required; and supports the action being taken.

14. Other considerations

In preparing this report the relevance of the following factors has been considered: human rights, equality of opportunity, health, environmental, transport, property, crime and disorder and social value considerations.

Given the unpredictable nature of the pandemic there is a risk that demand will outstretch resources. However, it should be noted that the HAF concept and funding for face-to-face activities is based on less than maximum attendance (in normal circumstances outside of a pandemic many children many not choose to go or maybe on holiday); a virtual solution has not been costed as an option by DfE.

The impact of Covid-19 on our vulnerable communities is constantly changing, making it hard to predict future needs and pressure points and potential demand for places on the summer programme.

15. Background Papers

HAF 2021 Guidance for LAs – February 2021 (attached as an Enclosure)

16. Key decision

Yes

17. Recommendations

That the Executive Director approves plans for Derbyshire County Council allocation of the Holiday Activities Fund namely:

- Approves the overarching Holiday Activity Fund expenditure and delivery plan for Derbyshire County Council.
- Approves administration costs from the fund (any unused funds will go back to providing assistance to those most in need).
- Approves that the number of children eligible is the determining criterion for funding support and not the family.
- Approves that the Derbyshire Holiday Activity Fund will be delivered in three distinct stages over Easter, summer and Christmas.
- Approves delivery of the Easter programme on an house basis of Recommendation 1 in section 5 of this report– an Activity Webpage that will be available to all Derbyshire children (with the extension of the COVID Winter Grant Scheme providing additional support to children and families as determined in the children’s element of that scheme).
- Easter HAF programme to be delivered for 4 days during the week commencing 12 April.
- Approves summer and Christmas programmes based on Recommendation 2 in section 5 of this report - full scale external HAF provision provided in partnership with the community and voluntary sector.
- Approves that a mapping exercise of need and current assets is urgently undertaken to inform scoping of the options for delivery of the summer and Christmas programmes programme and to determine the best procurement approach for Stage 2 and 3 of the programme.

- Approves a procurement approach for external delivery of the programme in line with HAF Standards via expressions of interest for the award of grants or tenders from community partners and organisations to deliver a targeted programme in full and or in part.
- Subject to time constraints detailed at paragraph 10; seeks approval within the subsequent Cabinet Report that the award of contracts/grants is delegated to the Executive Director of Childrens' Service in consultation with the Cabinet Member for Young People based on suitability to support HAF provision in line with the eligibility requirements of the HAF grant.
- Approves the partial use of those funds set aside for administration to appoint an external consultant or second in a specialist expertise to the programmes team.

Dr Isobel Fleming
Service Director – Commissioning and Transformation
Children's Services

Enclosure:

1. HAF 2021 Guidance for LAs – February 2021.



HAF 2021 Guidance
for LAs - February 2021