

Report sponsor: Don McLure, Strategic Director
of Corporate Resources
Report author: Toni Nash, Head of Finance

Compliance with Contract and Financial Procedure Rules

Purpose

- 1.1 To seek approval by Council Cabinet under Contract and Financial Procedure rules for the following:
 - i. To approve the procurement process and to enter into a Partnership Agreement to establish a compliant framework of Counsels' Chambers for childcare litigation
 - ii. To approve delegation of final decision making and contract awards in relation to the Counsels' Chambers framework, to the Strategic Director of People Services in conjunction with the partnership authorities

Recommendation(s)

- 2.1 To approve being party to a procurement process with Derbyshire County Council (lead), Nottingham City Council and Nottinghamshire County Council that will provide a compliant framework of Counsels' Chambers who will be able to undertake a broad spectrum of childcare litigation on behalf of those authorities, as outlined in 4.1.
- 2.2 To approve entering into a partnership agreement with Derbyshire County Council (lead), Nottingham City Council and Nottinghamshire County Council to progress this procurement process and delegate the final decision making and contract awards in relation to the framework, to the Strategic Director of People Services in conjunction with the partnership authorities, as outlined in 4.1.

Reason(s)

- 3.1 To comply with the Council's Contract and Financial Procedure rules.

Supporting information

- 4.1 **Provision of advice and advocacy services by Counsel in respect of Child Care Matters**

The Council has a statutory duty to safeguard and promote the interests of children who live within its area. Care and adoption proceedings are heard in the Family Court sitting in all tiers of the Single Court but effectively cases can be heard by Lay Justices plus all levels of judge including High Court judiciary and above. We do not employ any barristers or advocates with rights of audience in the higher courts.

- 4.2 The year on year increase in the number of care cases being issued in the city has resulted in there being insufficient in-house lawyers to cover all court hearings in the lower courts. In addition, cases of greater complexity and which have time estimates of more than one day require the instruction of a barrister with specialist knowledge, experience and expertise.
- 4.3 The proposed tender process is being entered into in collaboration with Derbyshire and Nottinghamshire County Councils, and Nottingham City Council. This is an opportunity for us to participate in a process to secure compliant services where the economies of scale (via the four authorities tendering together) will enable savings and efficiencies to be made. Chambers will be expected to facilitate the services of barristers who are capable of providing a high quality of advocacy and advice in respect of all aspects of child protection and adoption proceedings. Barristers will also need to be able to demonstrate that they are capable of working effectively with children's services.
- 4.4 The tender process will set the rate for specific services to be provided by barristers from the selected Chambers. The rate will take into account the type of court hearing, the experience of the instructed barrister and the complexity of the case (based on the allocation of the case to the appropriate level of court). Fixed rates will provide a clear framework for the agreement of fees
- 4.5 The maximum spend for the Council for the services to be called off from the proposed framework over a four year period will be up to £800,000.
- 4.6 It is recommended to being party to a procurement process with Derbyshire County Council (lead), Nottingham City Council and Nottinghamshire County Council that will provide a compliant framework of Counsels' Chambers who will be able to undertake a broad spectrum of childcare litigation on behalf of those authorities.
- 4.7 It is recommended to approve entering into a partnership agreement with Derbyshire County Council (lead), Nottingham City Council and Nottinghamshire County Council to progress this procurement process and approve delegation of final decision making and contract awards in relation to the framework, to the Strategic Director of People Services in conjunction with the partnership authorities

Public/stakeholder engagement

- 5.1 As detailed in the main body of the report.

Other options

- 6.1 As detailed in the main body of the report.

Financial and value for money issues

- 7.1 As detailed in the main body of the report.

Legal implications

- 8.1 None directly arising.

Other significant implications

- 9.1 **Personnel**
None directly arising.
- 9.2 **IT**
None directly arising.
- 9.3 **Equalities Impact**
Equalities will be embedded in the specifications of the particular projects.
- 9.4 **Health and Safety**
None directly arising.
- 9.5 **Environmental Sustainability**
None directly arising.
- 9.6 **Property and Asset Management**
None directly arising.
- 9.7 **Risk Management**
None directly arising.
- 9.8 **Corporate objectives and priorities for change**
None directly arising.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	19/11/2018
Finance	Toni Nash	15/11/2018
Service Director(s)	Don McLure	15/11/2018
Report sponsor	Don McLure	15/11/2018
Other(s)	Andy Brammall	19/11/2018
	Ann Webster	19/11/2018
	Liz Moore	19/11/2018
	Jayne Sowerby-Warrington	19/11/2018