

Decision Pathway Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 05 November 2019

TITLE	Re-procurement of DBS e-bulk system		
Ward(s)	<i>Not applicable</i>		
Author: John Walsh	Job title: Director: Workforce and Change		
Cabinet lead: Councillor Cheney	Executive Director lead: Mike Jackson		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member Decision forum: Cabinet			
Purpose of Report: To seek permission to extend the current DBS checks contract from 7 January 2020 to 31 December 2020. To procure a new supplier to commence providing DBS checks from 1 January 2021 for a period of 4 + 1 + 1 years			
Evidence Base: The council has a duty to undertake disclosure and barring checks for staff employed in regulated posts. These are jobs where employees work with children and vulnerable adults. The current contract has expired and the Council has an obligation to secure Best Value and test the market to assess if further efficiency savings and improvements can be made. We intend to invite tenders to supply this service with effect from 1 January 2021. DBS checks are provided to Bristol City Council and other organisations under the current contract with Complete Background Screening and it is our intention that this arrangement will continue. <ol style="list-style-type: none">1. The current Contract with our existing supplier Complete Background Screening (CBS) was procured before the introduction of the 2015 Procurement Regulations and was compliant with the previous regulations.2. The value of the contract with the supplier is minimal (c £8,750pa) but as they act on behalf of BCC to submit DBS checks to the Ministry of Justice for processing, the supplier invoices the Council for the total amount of each check which includes their administrative fee £1.75 and the actual fee for the Enhanced DBS check which is £44 and is the cost regardless of who supplies the contract. The total cost of a single DBS check is £45.75. Around 5000 applications are processed annually at a total cost of c£228,000.			
Recommendations: <ol style="list-style-type: none">1. Delegate authority to the Director of Workforce and Change and the Director of Finance (Section 151 Officer) to extend the current contract for the supply of E Bulk DBS checks from 7 January 2020 until 31 December 20202. Delegate authority to procure and enter into contract for the supply of E Bulk DBS checks for a period of 4+1+1 years to the Director of Workforce and Change in consultation with the Deputy Mayor – Finance, Governance and Performance and the Director of Finance (Section 151 Officer)			

Corporate Strategy alignment:

1. Empowering and Caring - Safeguarding is everybody's business and nothing is more important to us than the safety of the city's children and vulnerable adults

City Benefits:

1. All bidders must be able to demonstrate how they will deliver social value and meet the requirements of the Council's social value policy.
2. All council staff working in a regulated role are checked and will be safe to work with children and vulnerable adults.

Consultation Details:

1. The proposals contained with the report and subject to consultation with the Corporate Leadership Board.

Background Documents: None

Revenue Cost	£175,000 pa	Source of Revenue Funding	<i>DBS costs only are charged to BCC managers. Schools and organisations that use BCC as an umbrella company are charged an admin fee in addition to the DBS check</i>
Capital Cost	£	Source of Capital Funding	
One off cost <input type="checkbox"/>		Ongoing cost <input checked="" type="checkbox"/>	
		Saving Proposal <input type="checkbox"/>	
		Income generation proposal <input checked="" type="checkbox"/>	

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: The requirement for cabinet approval relates to the cost of the contract which includes the fixed fee for DBS checks set by the government. Without this fee the contract has minimal value of less than £10k per annum for administration of the process. DBS fees for BCC staff are covered within existing revenue budgets and other organisations are charged for the cost of the DBS requested along with an administration fee.

Finance Business Partner: Kevin Lock, Finance Manager - 2 October 2019

2. Legal Advice:**Procurement**

It is recognised that the need to extend the current contract places the Council in a situation where it may breach the procurement regulations, and so expose the Council to a risk of challenge. The fact that the extensions are required to allow time for the Council to run a fully compliant procurement process which will commence as soon as possible, will help mitigate the risk of challenge. Legal services will advise and assist officers with regard to the conduct of the proposed procurement process and the resulting contractual arrangements.

Powers

The Council, as a statutory body, can only carry out activities which it has the powers to carry out. Section 1 of the Localism Act 2011 granted the Council a general power of competence which is likely to give the Council the power to provide DBS checks (via a third party) to other organisations. Section 93 of the Local Government Act 2003 grants the Council the power to charge for most services (provided this is limited to recovering only the costs of providing the service, it cannot be used to generate a profit). The costs that can be taken into account under this section are extensive and the client officer is confident no profit is generated.

Legal Team Leader: Sinead Willis, Commercial and Governance Team Leader, 30 September 2019

3. Implications on IT: I can see no additional implications from an IT perspective.

Transformational Operational Leader: Gavin Arbuckle 13th September 2019

4. HR Advice: It critical to the safeguarding of children and vulnerable adults that the council is able to conduct DBS checks in a timely and effective manner as part of our recruitment process. There needs to be an effective transition plan included in the procurement process to ensure that any transition to a new provider is seamless.

HR Partner: Mark Williams, Head of Human Resources 13 September 2019

EDM Sign-off	John Walsh	13 September 2019
Cabinet Member sign-off	Councillor Cheney	16 September 2019
For Key Decisions - Mayor's Office sign-off	Mayor's Office	7 October 2019

Appendix A – Further essential background / detail on the proposal	NO
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk	NO
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO