

Report of Strategic Commissioning Group

Report to Director of Children and Families Services

Date: 15 November 2017



Subject: Request to invoke contracts procedure rule 10.1 to enable the commissioning of a Framework Agreement for Independent Fostering Agencies and Supported Lodgings Providers.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The White Rose Strategic Commissioning Group currently consists of 15 Local Authorities, 13 of which actively commissions fostering and supported lodgings care from Independent Fostering Agencies (IFAs) and Supported Lodgings providers. In order to be assured that those IFAs and Supported Lodgings providers are suitable to provide care for our children looked after and care leavers and offer value for money, Leeds City Council will invite IFAs and Supported Lodgings providers to tender for a framework agreement.
2. It is expected that the framework will commence on 01/04/2018 with a planned end date of 30/03/2021 and the option to extend for a further period of 12-months from 01/04/2021 to 31/03/2022.
3. This report seeks approval to invoke contracts procedure rule 10.1 to enable the commissioning of a framework agreement with providers delivering fostering and supported lodgings care services for children and young people and care leavers.

Recommendations

The Director of Children and Families Services is recommended to invoke contracts procedure rule 10.1 in order to commission a White Rose Independent Fostering and Supported Lodgings Framework Agreement.

**(10.1. Where the estimated value of a contract exceeds the current EU threshold, the contract will be tendered in accordance with the Public Contracts Regulations and these CPRs. In all such circumstances appropriate advice must be sought from the Chief Procurement Office).*

1 Purpose of this report

1.1 This report details the reasons for commissioning this fostering and supported lodgings framework agreement.

2. Background information

2.1 In order to meet the statutory duty to look after children who cannot be cared for by their parents or kinship (Children Act 1989, 2004, 2014), each Local Authority provides foster care as a place of safety to nurture each child looked after. The majority of the foster care provided, is through in-house Local Authority fostering services. However, where the needs of the child cannot be met within the in-house services, foster care is sourced from the independent sector through Independent Fostering Agencies (IFAs).

2.2 The Children (Leaving Care) Act 2000 amended the Children Act 1989 and this, along with the Care Leavers (England) Regulations 2010 increased the powers and duties on Local Authorities to better support Young Persons leaving care through staying put arrangements and supported lodgings placements and is to improve the life chances of Young Persons living in and leaving local authority care. Its main aims are; to delay Young Persons discharge from care until they are prepared and ready to leave; to improve the assessment, preparation and planning for leaving care; to provide better personal support for Young Persons after leaving care; and to improve the financial arrangements for Young Persons in and leaving care.

2.3 In order to comply with the Public Contracts Regulations 2015, a framework agreement for fostering and supported lodgings provision is to be tendered from which individual placements will be purchased.

2.4 The first White Rose Fostering Framework commenced in December 2012, followed by a short interim framework from December 2016 until end of March 2017. A further fostering framework commenced on 01/04/2017 for six months with agreement to take up the option to extend for six months to 31/03/2018.

2.5 It is expected that a new Framework Agreement will commence on 01/04/2018 for a period of 3-years to 31/03/2021 with the option to extend for a 1 x 12-month period (from 01/04/2021 to 31/03/2022).

- 2.6 The framework agreement will be established ensuring that all relevant and current law is embedded.2.7 The contract will be established as a regional framework agreement.
- 2.8 The participating authorities will share resources (including contract management) across the region to ensure that the framework continues to meet need and providers are managed in a transparent and consistent manner to help deliver quality outcomes for the children and young people placed with the providers on the framework. Strategic issues are also managed through the White Rose Strategic Commissioning Group that has representation from the participating authorities.
- 2.9 The framework is established with the support of the region's Chief executives and the Region's Directors of Children's Services.
- 2.10 Participating authorities are expected to be:
1. Barnsley
 2. Bradford
 3. Calderdale
 4. Doncaster
 5. East Riding
 6. Hull
 7. Kirklees
 8. Leeds
 9. North East Lincs.
 10. North Lincs.
 11. North Yorkshire
 12. Sheffield
 13. Wakefield
 14. York
- 2.11 The decision to commission a new framework agreement is taken by Leeds after due discussion with other authorities, it should be noted however that the individual contract established within the framework will continue to be the responsibility of the individual authority at the time of the placement.

3 Main issues

- 3.1 As a collective of Local Authorities, it is necessary to purchase fostering and supported lodgings care from Independent Fostering and Supported Lodgings providers through a framework agreement, in order to meet our legal obligations.
- 3.2 The placement of children and young people and care leavers with the providers of Independent Fostering and Supported Lodgings Providers will continue to exert significant pressure on budgets within children and families services. This framework agreement will undergo a robust procurement exercise to enable the best quality and price to be obtained for new placements.

- 3.3 Robust contract management will ensure quality service delivery, improved outcomes for children and focussed discussions to ensure value for money is being achieved.
- 3.4 The framework agreement will enable Local Authorities to make placements as required but there is no commitment to any expenditure and offers the IFAs and Supported Lodgings providers no guarantee of placements.
- 3.5 A refresh of the needs assessment of children looked after was undertaken, along with an Equality Impact Screening.
- 3.6 Providers will be monitored according to their performance against the framework and restorative support and challenge delivered to ensure the highest standards are achieved.

3.7 Consequences if the proposed action is not approved

- 3.7.1 The purchase of independent fostering and supported lodgings care for Local Authorities across the Yorkshire and Humber (14 Local Authorities) would continue but it would mean that providers would be outside of the scope of a contract and its terms and conditions against which to deliver quality provision.
- 3.7.2 The absence of a framework would limit opportunities to improve and consolidate best practice.
- 3.7.3 Any ongoing efficiency savings that are anticipated would not be realised.
- 3.7.4 The qualitative benefits would not be realised.
- 3.7.5 Contracting authorities may potentially be in breach of the Public Contracts Regulations 2015 in the absence of an agreed framework agreement.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Chief Executives and DCSs have been updated during the progress of the placements programme since its commencement in 2012.
- 4.1.2 The strategic commissioners across the region have been involved in the framework agreement to date and any changes to future direction.
- 4.1.3 Young people were actively engaged in the development of the specification for the 2012 fostering framework agreement, which is closely related to this one.
- 4.1.4 Young people will be engaged in the evaluation of the submissions for this framework agreement. The bidders will provide presentations to a panel supported by children looked after and care leavers.
- 4.1.5 The provider market has been consulted and engaged with during the development of the project.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The Equality Impact Assessment (EIA) screening exercise has been undertaken and indicated no adverse equality impact to the service users, staff and the wider community. Any amendments to the specification and future provision will need to be subjected to a further EIA assessment.

4.3 Council policies and Best Council Plan

4.3.1 The council policies and priorities will be reflected in the Framework.

4.3.2 One of the key obsessions within Children and Families Directorate is in respect of looked after children and this obsession will be reflected in the documentation and the quality evaluation model used within the process. This will continue to be reflected in the ongoing quality assessment of provision.

4.4 Resources and value for money

4.4.1 This Framework Agreement has no guarantee of business for the providers. The tender process will be evaluated on a 50:50 price/quality split.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The decision to implement this framework agreement is classified as a key decision.

4.5.2 It is requested that the decision is taken under general exception rules and that the 28 days' notice be waived on this occasion. This is due to a very tight timeline and the need to have a new contract in place on 1st April 2018 to succeed the one that expires on 31st March 2018.

4.6 Risk management

4.6.1 The contract management process will ensure that value for money continues to be a key assessment during the operational phase of the framework.

4.6.2 Prices will be fixed for the first 12-months. The agreement will include the opportunity for tenderers, on an annual basis, to re-submit their base costs attributable to their provision of service.

4.6.3 The Quality Assurance Framework within the framework agreement should ensure that providers are continually monitored in respect of the quality of provision and that placements are only made with those providers demonstrating quality services.

4.6.4 Participating Local Authorities have the option to only refer to IFAs with an Ofsted judgement of 'outstanding' or 'good', should they choose to do so. Any IFA that is judged by Ofsted to be 'inadequate' during the lifetime of the framework will be suspended from the framework until the judgement is improved to at least 'requires improvement'.

5 Conclusions

- 5.1.1 The commissioning process has taken account of the needs of children and young people who are placed in foster care and supported lodgings provision, and other key stakeholders. The tender process will be conducted using the open procedure and in accordance with Public Contracts Regulations 2015. The commissioning process will be robust and there will be on-going quality assurance assessments of providers throughout the lifetime of the framework agreement.
- 5.1.2 The proposal is to commission a White Rose Independent Fostering and Supported Lodgings Framework Agreement for the period of three years with the option to extend for a period of 12-months.

6 Recommendations

- 6.1.1 The Director of Children and Families services is recommended to invoke contract procedure rule 10.1 in order to commission a White Rose Independent Fostering and Supported Lodgings Framework Agreement.

7 Background documents¹

- 7.1.1. None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.