

Report of Strategic Commissioning Group

Report to Director of Children and Families

Date: 26 February 2018



Subject: Request to award the White Rose 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: Appendix 2	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. This report seeks approval to award a framework agreement to the providers listed at appendix 1 to this report for the provision of independent fostering agencies and supported lodgings provision for children and young people in care and care leavers.
2. The White Rose Strategic Commissioning Group currently consists of 15 Local Authorities, 14 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 invited IFAs and Supported Lodgings providers to tender for a framework agreement.
3. The award is for a framework agreement from 01/04/2018 to 30/03/2021, with the option to extend for a further period of 12-months from 01/04/2021 to 31/03/2022.

Recommendations

The Director of Children and Families is recommended to award the White Rose Framework Agreement for Independent Fostering Agencies and Supported Lodgings providers identified at appendix 1.

1 Purpose of this report

- 1.1 This report seeks to award a Framework Agreement to Independent Fostering Agencies and Supported Lodgings providers identified at appendix 1.
- 1.2 Service delivery models submitted have been evaluated and deemed appropriate by the project team (tender evaluation summary is attached at appendix 2).
- 1.3 Call offs - in the event that two or more providers tender for a placement and either placement is deemed to meet the needs of the child / young person then the placing Local Authority reserves the right to confirm the placement with the provider with the best value.

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 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 This new Framework Agreement will commence on 01/04/2018 to 31/03/2021 with the option to extend for a further 1 x 12-month period (from 01/04/2021 to 31/03/2022).
- 2.6 In order to comply with the Public Contracts Regulations 2015, a framework agreement for fostering and supported lodgings provision has been tendered from which individual placements will be purchased.
- 2.7 The contract will be established as a regional framework agreement.

The framework agreement has been established ensuring that all relevant and current law is embedded.

- 2.9 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.
- 2.10 The framework has been established with the support of the region's Chief executives and the Region's Directors of Children's Services.
- 2.10 Participating authorities are:
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; and
 14. York
- 2.11 The decision to commission a new framework agreement was 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 has undergone 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 Contracting authorities may potentially be in breach of the Public Contracts Regulations 2015 in the absence of an agreed framework agreement.
- 3.7.3 The absence of a framework would limit opportunities to improve and consolidate best practice.
- 3.7.4 Any ongoing efficiency savings that are anticipated would not be realised.
- 3.7.5 The qualitative benefits would not be realised.

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 have been engaged in the evaluation of the submissions for this framework agreement. The bidders provided tender questions for evaluation 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 agreement.

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 are 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 is 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 was evaluated on a 50:50 price/quality split.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This a significant operational decision and therefore not subject to call-in. Appendix 2 is confidential (rule 10.4 (3)).

4.6 Risk management

4.6.1 A risk log was implemented during the tendering phase and will continue to be maintained during the operation of the Framework Agreement.

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

4.6.3 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.

4.6.4 The Quality Assurance Framework within the Framework Agreement ensures that providers are continually monitored in respect of the quality of provision and that placements are only made with those providers demonstrating quality services.

4.6.5 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 has been conducted using the open procedure and in accordance with Public Contracts Regulations 2015. The commissioning process was 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 award the White Rose Independent Fostering Agencies and Supported Lodgings Framework Agreement for the period of three years with the option to extend for a period of 12-months to those providers identified at appendix 1.

6 Recommendations

- 6.1.1 The Director of Children and Families is recommended to award the White Rose Independent Fostering and Supported Lodgings Framework Agreement to the organisations identified at appendix 1.

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.