

**Report of Commissioning Manager, Children and Families**

**Report to Director of Children and Families**

**Date: 25/09/2019**

**Subject: Request approval to procure an annual refresh process for the Regional White Rose Framework Agreement for Independent Fostering Agencies and Supported Lodgings Providers.**



Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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**

• **Main issues**

- This report seeks approval to undertake a procurement which will refresh the Regional White Rose Framework Agreement for independent fostering agencies and supported lodgings service providers, in line with Contract Procedure Rules 21.5, 21.6, 21.7, 21.8, 21.9 and 21.10 and CPR 10.
- This process will be in line with the terms and conditions of the existing DN219283 – DN384744 and DN383876 Regional White Rose Framework Agreement for independent fostering and supported lodgings service providers to support Local authorities in their statutory duty in relation to the protection, accommodation and care of children and young people looked after and care leavers.
- The annual refresh process provides the opportunity to invite new service providers to join a Regional White Rose Framework Agreement and the opportunity for existing DN219283/ DN384744 and DN383876 - White Rose Framework Agreement independent fostering and supported lodgings service providers to re-submit their base costs attributable to their provision of service.

- Following the refresh process, the new framework agreement will be aligned with the terms and conditions of the existing framework agreements (DN219283/ DN384744 and DN383876) and will run from 01/04/2020 to 30/03/2021, with the option to extend for a further period of 12-months from 01/04/2021 to 31/03/2022.
- The White Rose Strategic Commissioning Group currently consists of 14 Local Authorities, all 14 actively commissions fostering and supported lodgings care from Independent Fostering Agencies (IFAs) and Supported Lodgings providers.
- **Best Council Plan Implications** (click [here](#) for the latest version of the Best Council Plan)
  - Priorities including continuing to be a child-friendly city, health and wellbeing, housing and safe, strong communities are embedded within this framework agreement.
  - The outcomes within the Best Council Plan are embedded into the contractual documentation as well as each young person's Individual Placement Agreement, and providers are quality measured against these outcomes.
  - Contract management processes including the Quality Management Framework ensure providers continue to work to the priorities and outcomes detailed within the Best Council Plan.
- **Resource Implications**
  - This Framework Agreement has no guarantee of business for the providers. The tender process was evaluated on a 50:50 price/quality split.
  - Placements are made against this framework agreement on a call-off basis, enabling Leeds to make placements as required. There is no commitment to any expenditure and offers providers on the framework no guarantee of placements.
  - Robust contract management will ensure quality service delivery, improved outcomes for young people and focussed discussions to ensure placement quality and value for money continue to be achieved.
  - The current framework ensures that all relevant and current law is embedded.

## Recommendations

- a) The Director of Children and Families is recommended to approve the refresh process for the Regional White Rose Framework Agreement for Independent Fostering Agencies and Supported Lodgings providers in line with the terms and conditions of the existing framework agreements DN219283, DN384744 and DN383876.

### 1. Purpose of this report

- 1.1. This report seeks approval to commission a refresh process for a Regional Framework Agreement to Independent Fostering Agencies and Supported Lodgings providers in line with the terms and conditions of the existing Framework Agreements - DN219283, DN384744 and DN383876.

- 1.2. 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 regional White Rose Fostering Framework commenced in December 2012, followed by a short interim framework from December 2016 until the 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.
- 2.4 The existing regional Framework Agreement (DN219283) commenced 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); this framework agreement includes, via an annual refresh process, the opportunity for new service providers to join a regional White Rose Framework Agreement and for existing White Rose Framework Agreement for independent fostering and supported lodgings service providers to re-submit their base costs attributable to their provision of service.
- 2.5 Two further regional framework agreements DN384744 and DN383876 are now in place following the refresh process; these are aligned to the terms and conditions of the original framework agreement DN219283.
- 2.6 A new framework agreement, via a refresh process, will be established as a regional framework agreement and be aligned to the terms and conditions of the original Framework Agreement (DN219283).
- 2.7 In order to comply with the Public Contracts Regulations 2015, the framework agreement for fostering and supported lodgings provision will be tendered from which individual placements are purchased.
- 2.8 The participating authorities will continue to share resources (including contract management) across the region to ensure that the new framework agreement meets individual needs of children and that 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 existing framework was established with the support of the region's Chief Executives and the Region's Directors of Children's Services.

2.10 Currently the participating authorities includes:

- Barnsley
- Bradford
- Calderdale
- Doncaster
- East Riding
- Hull
- Kirklees
- Leeds
- North East Lincs.
- North Lincs.
- Rotherham
- Sheffield
- Wakefield; and
- York

2.11 The decision to undertake the refresh process, in line with the existing 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 continues to 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 will be delivered to ensure the highest standards are achieved and maintained.

3.7 If the current Regional Framework Agreement were not in place, participating Local authorities may potentially be in breach of the Public Contracts Regulations 2015. However, the purchase of independent fostering and supported lodgings care for

Local Authorities across the Yorkshire and Humber 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.

- 3.8 The absence of a framework would limit opportunities to improve and consolidate best practice and any anticipated efficiency savings and 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 will be engaged in the evaluation of the submissions in relation to the refresh process. The bidders will provide tender questions for evaluation supported by children looked after and care leavers.
- 4.1.5 The provider market was consulted and engaged with during the development of the agreement.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 An 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 the Best Council Plan**

- 4.3.1 The council policies and priorities are reflected in the Framework.

#### Climate Emergency

- 4.3.2 The Regional White Rose Framework Agreement for Independent Fostering Agencies and Supported Lodgings Providers was commissioned prior to the climate emergency being declared, and as such this is not referenced within the tender documentation. Existing contract management processes within the framework can be adapted to bring existing providers attentions to the Council's ambitions in this regard.

### **4.4 Resources, procurement 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 The decision to implement this Framework Agreement is classified as a key decision.

## **4.6 Risk management**

4.6.1 A risk log was implemented during the tendering phase and continues 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 The framework agreement includes 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 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 will be robust and there will be on-going quality assurance assessments of providers throughout the lifetime of the Framework Agreement.

## **6 Recommendations**

6.1 The Director of Children and Families is recommended to approve the refresh process for the Regional White Rose Framework Agreement for Independent Fostering Agencies and Supported Lodgings providers in line with the terms and conditions of the existing framework agreements DN219283, DN384744 and DN383876.

## **7 Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> 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.