

Permission to procure Electronic Market Place for White Rose Independent Fostering agreement

Date: 03/08/2021

Report of: White Rose Regional Commissioning Team

Report to: Director of Children and Families

Will the decision be open for call in? ☒ Yes ☐ No

Does the report contain confidential or exempt information? ☐ Yes ☒ No

What is this report about?

Including how it contributes to the city's and council's ambitions

- Leeds is the lead authority for regional commissioning under the White Rose Partnership which includes fourteen local authorities and one children's trust from the Yorkshire and Humber Region. The partnership's current contract for Independent Fostering will expire on 31st March 2022.
- A review has been undertaken to inform future commissioning including engagement with regional local authority partners, providers and children and young people. Ensuring access to Independent Fostering provision when required supports the delivery of the Best Council Plan specifically making Leeds a child friendly city and the delivery of the Leeds Child and Young Person Plan 2018 – 2023.
- Regional commissioning of Independent Fostering provision supports local authorities to achieve the best possible quality and value for money from providers. This report requests approval to procure a new Electronic Market Place contract for Independent Fostering from 1st April 2022 for a period of up to 10 years.

Recommendations

- a) The Director, Children and Families is recommended to give permission to procure an Electronic Market Place for Independent Fostering services and to appoint providers onto the agreement as a result of the tendering exercise. The agreement will commence on 1st April 2022 and run for up to 10 years.

Why is the proposal being put forward?

- 1 This decision is required as the current regional agreement for Independent Fostering is due to expire on 31st March 2022 and no further extensions are available. Leeds is the lead authority for the White Rose Partnership and therefore this report requests permission to procure under the Leeds governance processes.
- 2 Although Leeds is the lead authority there are fourteen Local Authorities and one Children's Services Trust in the White Rose Partnership. These are Barnsley Metropolitan Borough Council, City of Bradford Metropolitan District Council, Calderdale Metropolitan Borough Council, Doncaster Children's Services Trust, Doncaster Borough Council, East Riding of Yorkshire Council, Hull City Council, Kirklees Council, Leeds City Council, North East Lincolnshire Council, North Lincolnshire Council, Rotherham Borough Council, Sheffield City Council, Wakefield Metropolitan District Council and York City Council
- 3 This agreement will be open to all local authorities who make Independent Fostering placements with external providers to utilise.
- 4 Whilst member local authorities do have internal fostering services they also require access to fostering services via Independent Fostering Agencies (IFAs) in order to meet demand. Without this contract member authorities would not have a compliant route to market for these services.
- 5 Regional commissioning of these services supports local authorities to achieve the best possible quality and value for money from the market. A review has taken place which has identified the proposal outlined in this report as the preferred option.

What impact will this proposal have?

Wards Affected: ALL

Have ward members been consulted? ☐ Yes ☒ No

- 6 Local authorities require access to Independent Fostering provision in order to meet demand for foster families for children and young people in care over and above what can be provided by their internal provision. This contract will allow local authorities access to a range of IFAs via an Electronic Market Place (EMP) agreement
- 7 This agreement will ensure clear quality requirements are in place which will support positive outcomes for children and young people. These outcomes include but are not limited to ensuring children and young people are appropriately safeguarded, provided with a stable and emotionally secure family environment and improve educational achievement and attainment for children and young people in care.
- 8 As well as a wide range of benefits for individual children and young people delivered under this contract, and the associated community benefits, wider social value will be included as part of the tender and monitored on a regional basis.
- 9 An Equality Impact Screening has been undertaken as part of this proposal and is attached as appendix 1.

What consultation and engagement has taken place?

- 10 To inform this proposal a range of consultation has been undertaken in conjunction with regional local authority partners.
- 11 Appropriate governance structures to support the regional commissioning activity are in place which include a Yorkshire and Humber Children's Services Commissioning Board chaired by a Director of Children's Services and attended by Assistant Directors from around the region which has signed off these proposals.
- 12 In addition to the board strategic commissioners and other relevant professional from across the region have been involved in the review and the development of these tender documents including the specification.
- 13 Specific consultation took place with providers of services via virtual meetings and online surveys to identify areas for development and consideration.
- 14 Consultation also took place with children and young people, including via a virtual meeting, to seek feedback on what they felt was important in a positive fostering experience.

What are the resource implications?

- 15 By collaborating together across the Yorkshire and Humber region to commission Independent Fostering services local authorities can achieve improved quality and value for money.
- 16 The agreement itself contains mechanisms such as the possibility for block arrangements by which local authorities could make efficiency savings.
- 17 It should be noted that there is no obligation for participating authorities to purchase any services from the Independent Fostering EMP and no undertaking is made in respect of the total quantities or values of the services to be bought.
- 18 The Independent Fostering EMP will include the opportunity for providers to apply for an annual uplift to their stated contract price based on the terms as set out in the contract.
- 19 New providers will also be able to apply to join the EMP throughout the life of the agreement however these applications will be assessed at set points twice a year.
- 20 Expenditure on these services during the term of this contract will be driven by demand of member authorities however current annual expenditure across the region on Independent Fostering services is estimated at £50m. Therefore total expenditure during the life of the contract could total £500m over 10 years.

What are the legal implications?

- 21 The opportunity will be advertised on the Leeds City Council supplier contract management system and on to contracts finder on the basis of the contract commencing on 1st April 2022 for a 10 year period with the option for notice to be given to terminate the agreement at any point during the agreement at the discretion of the partnership.
- 22 This decision is classified as a key decision. It was published on the list of forthcoming key decisions on 14th July 2021 and the decision will be subject to call in.
- 23 Under this tender the assessment of price and quality will be separated. Quality assessment will take place at the point a provider applies to join the EMP with 1000 points available for quality and a 60% quality threshold applied to the majority of questions. When calling off the EMP the most appropriate placement for that young person will be identified considering the individual placement match. If more than one appropriate placement is

identified the Ofsted rating of the setting and then the cost of the placement will be used to determine in which setting and with which provider the placement is made.

What are the key risks and how are they being managed?

- 24 This proposal enables the continuation of Independent Fostering provision which is essential to minimise any risk for member local authorities.
- 25 The proposal supports local authorities to meet their statutory duties by providing a compliant procurement route to the external market.
- 26 If the proposal was not agreed there is a significant risk that local would not be able to access these services in a compliant manner.
- 27 Risks associated with the proposal are managed by the Regional Commissioning Team with governance oversight from the Yorkshire and Humber Children's Commissioning Operational Group and Board.
- 28 Nationally demand for fostering provision is high therefore there is a risk that access appropriate Independent Fostering services becomes more challenging. This risk is managed via our regional working to increase our ability to engage and influence the market.

Does this proposal support the council's 3 Key Pillars?

☒ Inclusive Growth ☒ Health and Wellbeing ☐ Climate Emergency

- 29 By clearly setting out our requirements and expectations for Independent Fostering services the proposal will support the two of the council's key pillars as indicated above.
- 30 Inclusive Growth by providing support to children in young people in care enabling those children and young people in care to live in a safe and secure home where they can thrive and achieve their potential. Also by helping to close the outcomes and educational attainment gap often experienced by children and young people in care.
- 31 Health & Wellbeing is supported as the contract will include requirements for fostering services to support children and young people in foster families to ensure their physical and mental health and wellbeing is prioritised and that they receive any help and support needed to ensure good physical and mental health.

Options, timescales and measuring success

a) What other options were considered?

- 32 Not undertaking a further regional commissioning exercise for Independent Fostering services was not considered as a viable option as it would not provide a compliant route to market for services required to enable local authorities to meet their statutory duties.
- 33 A number of different procurement options were considered in order to achieve the desired outcomes however a regionally commissioned long term EMP approach as outlined within this report was considered the preferred option in order to achieve the desired outcomes.

b) How will success be measured?

- 34 The regional commissioning governance structure including the Board provides oversight to the regional commissioning arrangements and will monitor the success of this contract.

- 35 The Regional Commissioning Team with support and engagement from commissioning and service representatives from across the region will monitor the performance and quality of the fostering provision delivered under the contract. The approach to this will be outlined within the specification.
- 36 There is a sufficiency workstream as part of the regional commissioning work which will monitor the availability of appropriate fostering provision under this contract.

c) What is the timetable for implementation?

- 37 A procurement timeline is in place for this project that will see the tender issued w/c 27th September 2021 and ultimately a new contract in place for 1st April 2022 to ensure gap in provision.

Appendices

- 38 Equality Impact Screening – Appendix 1

Background papers