

Report of the Director of Children's Services to the meeting of Children's Overview & Scrutiny Committee to be held on Wednesday 18 July 2018

Subject:

B

Procurement of a new purchasing system arrangement for the purchase of Accommodation and Support for Young People Leaving Care and Vulnerable Young People that will name Bradford, Calderdale and Wakefield Councils as participating authorities.

Summary statement:

Children's Services are undertaking a procurement exercise to put in place new commissioning arrangements for the purchase of Accommodation and Support for Young People Leaving Care and Vulnerable Young People. This will establish a purchasing system that will name Bradford, Calderdale and Wakefield Councils as participating authorities.

The new arrangement is required as the existing regional framework ends in December 2018 and regional arrangements for purchase of this type of provision will no longer be in place.

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Overview & Scrutiny Area:

Children's Services

1. SUMMARY

Children's Services are undertaking a procurement exercise to put in place new commissioning arrangements for the purchase of Accommodation and Support for Young People Leaving Care and Vulnerable Young People. This will establish a purchasing system that will name Bradford, Calderdale and Wakefield Councils as participating authorities.

The new arrangement is required as the existing regional framework ends in December 2018 and regional arrangements for purchase of this type of provision will no longer be in place.

The Contract Standing Orders identify the following requirement:

4.6 Before inviting tenders or quotations, the Authorised Officer must:

4.6.1 for contracts with a total estimated contract value in excess of £2m, report details to the relevant Overview and Scrutiny Committee using the standard Committee report template.

This report, therefore, sets out the details of the provision to be procured to inform Children's Overview and Scrutiny Committee of the intended process.

2. BACKGROUND

- 2.1. Children's Services currently purchase placements for young people leaving care and 16-17 year old homeless young people through a regional White Rose framework that is procured by Leeds City Council. The framework will end in December 2018.
- 2.2. The regional White Rose group has made a decision not to procure placements for care leavers on a regional basis. This is due to the fact that regional arrangements have not worked effectively in this market place. It is identified that more local commissioning will ensure improved quality control as local authorities will be making arrangements with local providers rather than on a regional basis. This fits with the plan to keep Bradford young people in Bradford wherever possible to maintain their local links.
- 2.3. The number of care leavers in June 2018 is 495, there were also 43 Open cases currently being actively worked within Youth Homeless Team for 16 and 17 year olds who are homeless.
- 2.4. Provision on the current regional framework for care leavers includes: Group Living; Supported Tenancy (Floating Support and Accommodation); Supported Lodgings Accommodation; and Floating Support Only. We do not use the Supported Lodgings provision as there is provision in Bradford Council, we do use the other types of accommodation.
- 2.5. Accommodation and support for care leavers is not required to be registered with Ofsted, so is not subject to the same requirements and inspections regime as Children's Homes. Where young people over 16 need to be placed in provision that does meet the requirements for Ofsted registration they would be placed using the White Rose arrangements for purchasing Children's Home placements. This means the quality assurance arrangements for the provision we purchase for young people needs to be robust and on-going monitoring is required.

- 2.6. Bradford needs to put new arrangements for the purchase of placements for care leavers from December 2018. Discussions have taken place with other local authorities to see if a sub-regional arrangement would be the best approach. This would allow Children's Services to place young people in Bradford and neighbouring authorities and have a shared approach to quality assurance and contract management. As a result of discussions the approach planned is for Bradford to procure a contractual arrangement naming Bradford, Calderdale and Wakefield. Kirklees and Leeds are making their own arrangements.

3. OTHER CONSIDERATIONS

- 3.1. Children's Services will undertake a procurement process for a new purchasing system. It will be designed to meet the needs of the 3 local authorities who will purchase from it. Joint quality assurance and contract management arrangements will be in place across the 3 local authorities. These will include visits to premises to ensure provision meets requirements, review of safeguarding arrangements including safer recruitment processes followed by providers and feedback from social workers and young people on the quality of the placements and achievement of outcomes to enable young people to move towards independence.

- 3.2. The providers awarded a place on the purchasing system will fulfil quality standards in relation to:

- Safeguarding processes
- Safer recruitment
- Quality of accommodation provided
- Quality of support provided to meet needs of young people
- Quality of support to young people to move in to independent living

This will be assessed through evaluation of a written tender submission setting out the provision a provider is able to offer and their response to questions to establish the quality of their provision. We will also put in place on-going quality checks to review safeguarding arrangements, including safer recruitment, and quality of accommodation.

- 3.3. This purchasing system will be for Leaving Care and Vulnerable Young People Accommodation and Support. The system will be divided into 5 lots, according to the needs of young people to be placed. The 5 lots are:

- Lot 1 – General Needs
- Lot 2 – Unaccompanied Asylum Seeking Children (UASC)
- Lot 3 – Young people with high needs, including those subject to or involved in exploitation and criminality
- Lot 4 – Young people with significant emotional and mental health support needs, including those leaving Secure and Hospital placements
- Lot 5 – Emergency time limited placements

- 3.4. The purchasing system will be used to purchase the following types of provision: Group Living (unregulated by Ofsted); Supported Tenancy (Floating Support and Accommodation); Floating Support only; Solo Provision; and Emergency Placements when a bridging arrangement is needed either between placements or

due to family breakdown. One provider may have a range of provision that can be used to put in place a pathway to independent living.

- 3.5. In order to make placements Local Authorities will circulate a referral to all providers identified for the Lot they are requesting a placement for. When the referral is made the deadline for responses will be set out.
- 3.6. Following the receipt of offers the Local Authority will identify the best match to meet the individual needs of the young person. The price of a placement will be considered alongside the qualitative information on the type of placement to be offered. Local authorities will seek the Best value placement to meet the individual needs of the young person. Following this an Individual Placement Agreement will be agreed with the provider, this will set out clearly the support to be delivered and the price. This IPA will be the contract for the placement.
- 3.7. Local authorities may wish to procure a number of block placements. This will operate in the same manner as other placements within the purchasing system in that a competition will be undertaken by the Local Authority from the providers for the appropriate Lot. The Local Authority will set out the criteria and evaluation mechanism to select a provider for a block purchase.
- 3.8. The proposed timeline for the establishment of the new arrangement is:

Action	Date
Tender documents finalised	July 18
Provider event to update potential bidders	July 18
Tender advertised	August 18
Tender evaluation and award	October – November 18
New pseudo dynamic purchasing system starts	December 18

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1. The level of spend on placements for care leavers in 17/18 was approx. £2.8million, this includes placements made through block contracts. It would be anticipated that the level of spend would be in-line with current levels. The purchasing system will be advertised on a higher level of funding, as it will reflect spend across Bradford, Calderdale and Wakefield.
- 4.2. The purchasing system would be an on-going arrangement with regular opportunities for new providers to join the system to ensure on-going competition means we are able to purchase the best value placements to meet need. There would also be annual price refresh opportunities to ensure that providers are able to update prices in line with inflationary pressures and any future changes to minimum pay requirements.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The providers and placements that are available through the new arrangements will be subject to a quality assurance process that is undertaken between the 3 local authorities. Provision for young people over 16 is not subject to the same Ofsted inspection regime as Children's homes and Independent Fostering Agencies. The quality assurance to be undertaken by Children's Services will involve regular visits to premises, including review of safeguarding arrangements alongside the quality of placements, as well as feedback from young people on their experience of the provision.

6. LEGAL APPRAISAL

- 6.1. Advice has been taken from procurement and legal. As the services to be commissioned are under the Light Touch regime of the Public procurement regulations then there is greater flexibility in the procurement options. The mandatory requirements under the Light Touch Regime are:
- **OJEU Advertising:** The publication of a contract notice (CN) or prior information notice (PIN).
 - The publication of a **contract award notice** (CAN) following each individual procurement, or if preferred, group such notices on a quarterly basis.
 - **Compliance with Treaty principles** of transparency and equal treatment.
 - **Conduct the procurement in conformance with the information provided in the OJEU advert** (CN or PIN) regarding: any conditions for participation; time limits for contacting/responding to the authority; and the award procedure to be applied.
 - **Time limits imposed by authorities on suppliers, such as for responding to adverts and tenders, must be reasonable and proportionate.** There are no stipulated minimum time periods in the LTR rules, so contracting authorities should use their discretion and judgement on a case by case basis.
- 6.2. This means that the standard processes set out can be adapted to meet need. The proposal is that a purchasing system is set up where providers are required to meet set quality standards in order to have a place on the system. Individual placement decisions will be made by local authorities making referrals to the system and identifying the placement offer that is the best value option to meet the needs of the young person.
- 6.3. The value of the purchasing system will be approximately £4million per year. This is a guide figure, actual spend will be dependent on the use of the system by the local authorities and the packages agreed for individual young people.
- 6.4. The Contract Standing Orders identify the following requirement:

4.6 Before inviting tenders or quotations, the Authorised Officer must:

4.6.1 for contracts with a total estimated contract value in excess of £2m, report details to the relevant Overview and Scrutiny Committee using the standard Committee report template.

This report is, therefore, to inform Children's Overview and Scrutiny Committee of the details of the provision to be procured.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Having a local system in place will ensure a choice of provision within the locality, keeping Bradford children in the district or neighbouring authorities and preventing placement potentially at distance, this will improve the outcomes for these young people as they will access local services and maintain links.

7.2 SUSTAINABILITY IMPLICATIONS

The use of a purchasing system with provision for providers to join the arrangement will allow the market to respond to the need for placements and will enable Children's Services to ensure we are able to access the best quality provision that is available for young people.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Local placements will keep travel time and costs low, including greenhouse gas emissions. It also avoids disruption to education and facilitates social worker visits in a timely manner.

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

None

7.8 IMPLICATIONS FOR CORPORATE PARENTING

A strong purchased placement offer will bolster our local internal commissioned offer to Bradford's care leavers and ensure their transition to their own tenancies is successful in line with children's pledge to *support into adulthood and independence at a pace to suit us*.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

This is a new commissioning arrangement for an existing service, there are no issues identified in the Privacy Impact Assessment.

This system will be covered by the Privacy Notice for Children's Social Care, which is available at:

<https://www.bradford.gov.uk/open-data/data-protection/childrens-social-care-privacy-notice/>

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The setting up of a new procurement arrangement is the only option available in response to the end of the existing White Rose framework that would allow Children's Services to continue to comply with Public Contract Regulations in purchasing the required placements.

Consideration was given about whether to tender for Bradford Council alone or work with other local authorities. It was identified that a sub-regional arrangement would be the most appropriate mechanism as it will ensure that we are contracting for local provision whilst also utilising a shared approach to and, therefore, sharing resource for quality assurance and contract management. This will allow us to make best use of resource when local authorities will purchase provision across the sub-region.

10. RECOMMENDATIONS

That the Committee note the contents of this report.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

None