

Due Regard Statement

Name of the 'policy':	Proposed award of a South West sub-regional Dynamic Purchasing System for the provision of independent children's homes.
Person(s) responsible for completing this statement	Semonetta O'Connell, Commissioning Manager, Children and Young People's Commissioning (CYP Commissioning) Tel: 01452 328572 Email: semonetta.o'connell@gloucestershire.gov.uk
Briefly describe the activity being considered including aims and expected outcomes	<p>The purpose of this report is to seek authorisation for Gloucestershire County Council (the council) to participate in a competitive tendering process compliant with the provisions of Schedule 3 of the Public Contracts Regulations 2015 (SI 2015/102) and conducted by South Gloucestershire Council as the lead local authority. The participating Local Authorities are: Bath and North East Somerset, Gloucestershire, North Somerset, Swindon, South Gloucestershire and Wiltshire Councils).</p> <p>Officers from the South West sub region are keen to build on the benefits of the work already undertaken together in the current sub-regional Framework Agreements and are planning to undertake a further South West sub-regional collaborative tender exercise for the award of Dynamic Purchasing System (DPS) contracts to providers of independent children's homes to replace the current framework agreements. The DPS will commence on 1st April 2020.</p> <p>The aim of the tendering process is to ensure that the participating Local Authorities obtain a sufficient list of pre-qualified independent residential children's home providers who can meet each Local Authorities needs (including diversity of provision). Collaborating with other local</p>

authorities ensures that we are able to access a greater number of providers, over a wider area, who can meet the diverse needs of the children and young people looked after by Gloucestershire County Council and in particular to meet the needs of children and young people with protected characteristics. In order to achieve this, the market has and will continue to be involved in supporting the development of the participating local authority's requirements in order to maximise the number and quality of bids and ensure that we have a diverse range of providers whom we can access to meet individual and developing needs. .

It is the assessment of the prospective participating Local Authorities that to tender on a sub-regional basis will allow further efficiencies as a result of:-

- Combined tendering reduces the cost pressure of such an exercise on individual Local Authorities
- It offers a more efficient and cost effective tendering process by requiring independent residential children's home providers to undertake only one tendering process and being required to demonstrate one set of quality and performance criteria thus enabling them to focus their submissions on the diversity of their services and how they can meet need effectively and with clear and positive outcomes.
- It offers economies of scale in terms of performance monitoring and evaluation
- It enables a more coherent and robust message to Providers about the needs of the sub region to deliver sufficient placements for young people in care at acceptable costs and quality and ensuring that the needs of children and young people with protected characteristics are met.
- Improved working relationships with providers of independent residential children's

	homes.
--	--------

<p>Who is responsible for delivering the service?</p>	<p><u>South West sub regional Project Group</u></p> <p>Officers from the participating South West local authorities are responsible for developing the tender, based on information provided through their current and assessed future needs ensuring that there are a diverse range of providers offering bespoke placements.</p> <p>It is yet to be agreed whether South Gloucestershire as the lead local authority will send the contract agreements to providers on behalf of all participating local authorities or whether each of the participating local authorities will enter separately into contract agreements with providers successfully pre-qualified through this tender. This decision however will have no impact on the quality or diversity of providers.</p> <p>Each participating local authority will be responsible for commissioning individual services for vulnerable children and young people in their local authority areas</p> <p>Ongoing monitoring of services delivered by providers selected following the tender process will be reviewed through regular Project Group reviews and formal contract monitoring arrangements.</p> <p><u>Providers selected to the new Dynamic Purchasing System</u></p> <p>Providers of independent children’s homes services must have through the tender process demonstrated that they are suitably experienced and registered providers of independent children’s homes services. All providers have a statutory requirement to be registered and inspected with Ofsted.</p> <p><u>Children and Young People’s Commissioning Team (CYP Commissioning)</u></p>
--	--

The Gloucestershire County Council Children and Young People's Commissioning team will be responsible for the sourcing and contracting of individual placements based on meeting individual assessed need.

Service user data/Needs analysis information

Age Analysis of placements made over the previous three years plus this year, 1st April 2016 to date (3rd September 2019) has identified that 100 children and young people from Gloucestershire were placed in independent residential children's home services, the age range for these 100 children and young people were between 10 and 18 years.

Disability Analysis of placements made for the period, 1st April 2016 to date (3rd September 2019) show that 13 children and young people with a disability accessed services commissioned under the current framework arrangements.

Sex Analysis of placements made for the period, 1st April 2016 to date (3rd September 2019) has identified the following gender split:

Female	Male
41	59

Race (including Gypsy & Traveller) Analysis of placements made for the period, 1st April 2016 to date (3rd September 2019) has identified the following racial split

Ethnicity	No of Young People
A1 – White British	79%
A5 – Gypsy/Roma	2%
B1 – White and Black Caribbean	7%
B2 – White and Black African	3%
B3 – White and Asian	2%
B4 – Any other mixed background	3%

	D2 - African	1%
	D3 – Any other Black background	1%
	E2 – Any other ethnic group	2%
Gender reassignment	Data is not currently collected however the profile completed for each child is bespoke and designed to identify their individual needs.	
Marriage & civil partnership	Currently this data is not collected, but due to the cohort's age, parental approval would be required for a young person between the ages of 16 and 18 to either marry or enter into a civil partnership.	
Pregnancy & maternity	Data is not currently collected however the profile completed for each child is bespoke and designed to identify their individual needs.	
Religion or Belief	Data is not currently collected however the profile completed for each child is bespoke and designed to identify their individual needs.	
Sexual Orientation	Data is not currently collected however the profile completed for each child is bespoke and designed to identify their individual needs.	

Other information

None

Workforce data

Total number of	Not affected
-----------------	--------------

GCC staff affected	
--------------------	--

Consultation and engagement

Service users	<p>The provision of Independent Children’s Home services for vulnerable children and young people ensures that Gloucestershire County Council meets its statutory obligations under the Children Act 1989 regarding the local authority making available local provision to meet need – Sufficiency Agenda.</p> <p>Service Users engagement in the development of the tender process and the evaluation of tender submissions will be essential in ensuring that providers pre-selected to the framework agreements will deliver quality services that are young person focussed.</p> <p>Extensive consultation on a child/young person’s journey through care was undertaken during 2018 with the results recorded in the Sufficiency Strategy.</p>
Workforce	Not Applicable
Partners	<p>Consultation has taken place with both internal and external partners as follows:</p> <p><u>External Partners:</u></p> <p>South West sub-regional Project Group - Officers from the participating local authorities meet monthly in order to develop procurement and tender arrangements, part of which is a market position statement, based on the participating local authorities identified needs. A provider engagement event is planned for 6th November 2019 where providers will be involved in discussions around the need to provide diverse services and support packages.</p> <p><u>Internal Stakeholders for Gloucestershire County Council:</u></p> <ul style="list-style-type: none"> • Commissioning Director: Children & Families

	<ul style="list-style-type: none"> • Commissioners: Children & Families • Children's Services Managers • Legal Services • Commercial Unit • Participation team <p>Children and Young People's Commissioning Team - Commissioning Manager/Officers from this team will form part of the South West sub regional project group, and undertake an active role in the development evaluation and usage of the new framework agreements. Gloucestershire County Council staff are expected to demonstrate our behaviours and values which support the breadth of our work and the extent of our reach.</p>
External providers of services	<p><u>Providers of services required under the new Contract Frameworks</u></p> <p>Providers have already been consulted on the proposals for new DPS arrangements. Continuing engagement with these providers regarding development of procurement plans will be through a market engagement event due to be held on 6th November 2019. At this event officers will discuss and obtain feedback from providers on plans for the tender. The intention of this event is to ensure that tender plans will result in market activity and to prepare the market for the procurement and subsequent commissioning of independent children's home services.</p>

Equality analysis: Summary of what the evidence shows and how has it been used

Protected group	Challenge or opportunity considered and what we did
	<p>From a service delivery aspect there is no evidence to suggest that the commissioning of a new DPS for the provision of independent children's home services, to replace current arrangements that are due to expire in March 2020, will have a negative impact on a child/young person's age, ethnicity, disability, gender, sexual orientation, religion or belief, as access to these services is made based on robust assessment of a child/young person's individual needs.</p>

The intention is that the new contract arrangements will enable Gloucestershire County Council to continue to provide quality independent residential children's home services for Gloucestershire's most vulnerable children and young people, particularly as Gloucestershire County Council has no children's homes of its own apart from those providing short breaks for children and young people with disabilities. The new DPS will provide a greater variety of services for vulnerable children and young people within the participating South West local authorities. Reopening the tender process and allowing new providers onto the framework at specified points will ensure sufficiency of service provision to meet the ongoing identified needs of the participating local authorities.

When requiring a placement under the DPS CYP Commissioning approach providers with a comprehensive profile of the child or young person that specifically identifies their needs and outcomes and has been produced by social care in collaboration with the child/young person and other professionals. The profile will detail all of the needs and how these needs will be met including those as identified by the protected characteristics including for example religious needs. This ensures that CYP Commissioning have the autonomy to approach the market for placements with a very clear understanding of the needs that will be met the outcomes we want achieved and the level and scope of care that each individual child or young person needs. The process through which the Children and Young People's Commissioning Team purchase provision, demonstrates compliance to our equality duty in the way that placements are sought using a number of criteria based on factors such as ethnic origin, culture, religion and faith. All requests for placement go through a rigorous process in which agreements must be sought from various senior individuals to ensure that the most appropriate placements are searched, assessed and contracted based on all aspects of the child/young persons life ensuring due regard to protected characteristics. For example we have providers specialising in areas of need such as mental health, special educational needs and disability. Additionally children and young people work with their social workers to inform the profile that is sent to providers which is based around the individual including their thoughts, views and wishes.

In order to be considered to join the DPS, providers will be expected to demonstrate a commitment and ethos that reflects diversity and will have to have relevant policies and procedures in place to inform practice which will include for example a robust Equality and Diversity policy. During the tender process for the DPS, providers will be required to explain and demonstrate how they ensure that needs are met and that they work

to ensure that they do not operate in a way which discriminates, that children and young people are free from harassment and victimisation and that they have robust policies and procedures in place to ensure that staff work to promote equality and diversity.

It is possible that some of the providers on the current sub-regional framework agreements (due to expire March 2020) will not continue to provide services under the new DPS arrangements if they were deemed to be unsuccessful in meeting the quality thresholds set within the process. Individual children and young people affected by this change will be prioritised for a full review and assessment, to ensure that reasons for failure at the quality stage of the procurement process would not impact on the continuation of their service until the determined contractual end date already set. In the event of quality issues specifically impacting on the child/young person in placement, consultation will take place in order to enable alternative commissioning arrangements with providers selected to the new DPS to be undertaken.

CYP Commissioning have robust processes to ensure that the quality of providers and the outcomes achieved for our children and young people are of a high and required standard. We use a range of both planned and unplanned visits on a rolling basis throughout the year. When concerns are raised about a provider an unannounced, joint visit with social care, will be convened to determine the level of concern, the impact on a child, whether there are safeguarding concerns and how the provider responds to concerns. If significant issues with provision are identified then a placement search will be conducted through the DPS to identify a more suitable provision that meets needs and the child or young person will be moved to ensure their individual needs are appropriately met. The DPS will ensure we have access to a range of providers who will have had to demonstrate their ability to effectively support and care for children and young people with additional needs and will be required to provide bespoke packages of care and appropriate support. When evaluating tenders the South West local authorities will ensure that a diverse spectrum of providers are admitted to the DPS ensuring a diverse range of provisions that will meet need.

Effective, well planned and collaborative contract monitoring and quality assurance will provide a higher level of scrutiny and enable the South West regional local authorities to have influence over service provision and market management.

We do not consider that the commissioning of new Dynamic Purchasing System arrangements will have a

	negative impact on any of the nine protected characteristics. Additionally we do not consider that CYP Commissioning team will have a negative impact on any of the nine protected characteristics, as the aim of the team is to ensure a consistent procurement approach for residential support services for Gloucestershire's vulnerable children and young people, CYP Commissioning will continue to provide a transparent process for the commissioning of children's services, so that all children and young people have equity of access to a choice of providers and services.
Age(A)	The collaborative nature of the DPS will enable us and other south west regional local authorities to have access to a diverse range of providers offering bespoke packages of accommodation and support. When inviting providers to tender to join the DPS we can prescribe the services we expect to be able to commission appropriate and therapeutic environments where appropriate.
Disability (D)	As above
Sex (S)	As above
Race (including Gypsy & Traveller)(R)	As above
Gender reassignment(GR)	As above
Marriage & civil partnership (MCP)	As above
Pregnancy & maternity (PM)	As above
Religion and/or Belief (RAOB)	As above
Sexual Orientation(SO)	As above

Strengthening actions: Planning for further improvements

Please outline here what actions are required for further improvements to address challenges or opportunities, for example:

- Arrangements for continued/new engagement with stakeholders, staff, service users
- Plans to close data gaps across any of the protected characteristics through reviewed contract management arrangements
- Identify other plans already underway to address the challenges or opportunities identified in this statement
- Share findings with partner organisations.

If none, state 'none' below.

Action Plan

Action	Who is accountable	Time frame
Further work with the Project Group (participating Local Authorities) to prepare for tender.	Semonetta O'Connell	Ongoing
Market engagement event with external providers	Semonetta O'Connell	6 th November 2019

Monitoring and Review

Please indicate what processes/actions will be put in place to keep this 'activity' under review. For example will progress be monitored/ reported to a board, scrutiny committee, project board etc

- Ongoing review of service provision provided under these DPS agreements will be undertaken as follows:
- South West participating Local Authorities Project Group. – Through regular meetings of the project group to review service provision, sharing of intelligence and formal contract monitoring arrangements
 - Through Provider forums whereby providers selected to the DPS will be encouraged to share good practice
 - At a local level, the commissioning of contract arrangements for the provision of independent children's home services is part of the Sufficiency Strategy and as such is reported on a quarterly basis on Verto.

- Feedback from children, young people, their parents, carers, and professionals regarding quality of services provided.
- Ongoing review of this statement.

Sign off and Scrutiny

By signing this statement off as complete you are confirming that 'you' have examined sufficient information across all the protected groups and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

Senior level sign off:



Date:

01/10/2019

I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I as the decision maker have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

Name of relevant Portfolio Holder/Cabinet Member: Richard Boyles	
Signed by Portfolio Holder/Cabinet Member: 	Date: 1.10.2019

Publication

If this statement accompanies cabinet paper it will be published as part of the cabinet report publication process. Statements accompanying cabinet reports are also published on our website. If this statement is not to be submitted with a cabinet paper please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.