

**PROPOSED AWARD OF A SOUTH WEST SUB-REGIONAL FRAMEWORK AGREEMENT
FOR THE PROVISION OF LEAVING CARE/INDEPENDENT LIVING SETTINGS.**

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| Cabinet Date | 1 February 2017 |
| Children and Young People and Strategic Commissioning | Cllr Paul McLain |
| Key Decision | Yes |
| Background Documents | Sufficiency Statement and Commissioning Intentions for Children in Care 2015-2018, 29/6/2015 |
| Location/Contact for inspection of Background Documents | Documents can be obtained from Semonetta O'Connell semonetta.o'connell@gloucestershire.gov.uk |
| Main Consultees | Engagement with the market Place Looked After Young People (service users) |
| Planned Dates | Proposed new framework agreement for The Provision of leaving care/independent living settings to start 1 st July 2017 |
| Divisional Councillor | All |
| Officer | Semonetta O'Connell, Commissioning Manager, CYP Commissioning Tel: 01452 328572 Email: semonetta.o'connell@gloucestershire.gov.uk |
| Purpose of Report | To seek authorisation from Cabinet for the Council to participate in a collaborative tendering process led by South Gloucestershire Council for the creation and award of a sub-regional framework for the provision of leaving care/independent living settings. |
| Recommendations | That Cabinet authorises the Commissioning Director: Children and Families to: 1 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 authority for the award of a four year South West sub-regional Framework Agreement (the Framework) commencing on the 1st July 2017 for the provision of leaving care/independent living settings. |

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| | <p>2 Enter into a Participation Agreement with South Gloucestershire Council to give effect to the recommendation above and pay South Gloucestershire Council up to £5,000 (tbc) as a contribution to their costs in acting as lead authority for the procurement of the Framework.</p> <p>3 Enter into such number of call-off contracts (placements) as are required to meet the Council's responsibility to provide services for Care Leavers who require Independent Supported Living.</p> |
| <p>Reasons for recommendations</p> | <p>The benefit of a collaborative framework agreement will be that the local authorities using the Framework will work together to improve services, manage the market and pool information.</p> <p>The participating authorities for the Framework will be: Bristol, Bath and North East Somerset, North Somerset, South Gloucestershire, Swindon, Wiltshire and Gloucestershire.</p> |
| <p>Resource Implications</p> | <p>The Framework itself does not have a value attached to it. The Framework will identify unit prices for services which can be called-off under it, to meet the individual needs of the Young People nominated to receive the service.</p> <p>Current estimated spend by the Council for the 2016/17 financial year is £1.07 million. This would equate to an estimated spend of £4.28 million over the term of the new Framework.</p> <p>Placements are currently and will continue to be funded though the Children's Social Care agency budget.</p> |

1 Background

- 1.1 The Council has a duty to provide sufficient, appropriate accommodation for Young People who leave care (Children Act 1989). This report seeks to outline how the Council can discharge this duty through participating in a collaborative sub regional framework arrangement.
- 1.2 Central government is proposing to place additional duties on local authorities with regard to Looked After Children; the strategy set out in Keep on Caring: Supporting Young People from Care to Independence, will enable young people leaving residential care to stay close to and be supported by their residential provision until they are 21 years. The Children and Social Work Bill 2016/17 will extend support for care leavers until they are 25 years if they have an Education, Health and Care Plan (EHCP).
- 1.3 There is an ongoing need for this service provision. There are currently 30 Young People accessing this service and the Council will need to secure accommodation services for young people 16-18 years once the current arrangements expire.
- 1.4 The Council currently meets its obligations through a framework which was awarded on 1st May 2016 for a period of 18 months. The framework covers only Gloucestershire and is due to expire on the 31st October 2017.
- 1.5 The proposed sub-regional Framework will allow the Council to buy independent supported living placements for young people from a range of pre approved providers.
- 1.6 The participating authorities for the Framework will be: Bristol, Bath and North East Somerset, North Somerset, South Gloucestershire, Swindon, Wiltshire and Gloucestershire.
- 1.7 Evaluation of current arrangements has identified the following benefits that the Council wishes to retain and to build on within the sub-regional arrangements:
 - a) Provision of quality services with improved quality monitoring that leads to improved provision
 - b) Improved ability for Young People to develop and maintain adult tenancies
 - c) Improved, clearer pricing structures leading to transparent cost and spend
 - d) Improved working relationships with providers of semi independent accommodation and support providers for Young People aged 16 to 18 years.
 - e) Satisfying the requirements in the Children & Young People's Act 2008 regarding Local Authorities obligation to meet the sufficiency duty
- 1.8 The benefit of a collaborative framework agreement will be that the local authorities using the Framework will work together to improve services, manage the market and pool information.
- 1.9 Through the regional framework the council seeks to continue to provide accommodation through a process that minimises bureaucracy and duplication and secures quality and timely placements for vulnerable Young People. This option would also allow the Council to have increased influence over the market and shape services to meet the Council's

requirements. The collective influence of a sub-regional framework on price and uplift negotiations would help to ensure value for money.

2 Proposal

The Council participates in a collaborative tendering process led by South Gloucestershire Council for the creation and award of a sub-regional framework for the provision of leaving care/independent living settings for young people aged 16-18.

3 Other Options Considered

Option 1. For the Council to allow the current arrangements to expire and move to ‘spot’ purchasing future placements. Whilst this option would give access to the whole market, there would be a requirement for additional resources to support the procurement and contracting processes and quality monitoring responsibilities, making the whole process slow, un-wieldy and resource intensive. The Aggregation Rules under PCR 2015 would require that EU compliant tender processes are run for each individual award once the relevant threshold figure has been reached. In addition it is likely that placement costs would be at enhanced rates with the Council likely to experience a reduction in the level of influence it has within the marketplace.

Option 2: For the Council to tender a Gloucestershire framework agreement. This option would emulate the current arrangements and enable the Council to tailor its requirements. However the Council would not be able to achieve the benefits of the economies of scale that a sub-regional approach brings including maximisation of sub-regional cost and volume arrangements, sharing of contract monitoring and quality assurance, sharing of good practice. The ability to influence service provision would also not be realised.

Option 3. For the Council to cease providing semi Independent accommodation and support services for Young People aged 16-18 years in its entirety. This option would prevent the Council from discharging its statutory duty to provide appropriate and suitable accommodation.

4 Risk Assessment

| Risks/Issues (potential future impact): | Mitigating actions: |
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| 1. Key suppliers could fail to engage. | Evidence to date would suggest this is unlikely. Feedback from providers indicates that framework agreements offer them significant benefits and those relationships with participating local authorities are improved. There is an effective communication and market engagement strategy in place. |
| 2. Challenge from providers in respect of procurement process. | The lead authority (South Gloucestershire) to follow “light touch” procurement process under PCR 2015. |

3. Pursuing a joint framework can incur risks that relate to the full participation of all the participating councils. This can result in failure to achieve the maximum cost and volume benefits.

The lead authority will seek to mitigate this by active management and information sharing across the Local Authorities.

Unit rates are fixed offering greater cost and volume benefits, making it attractive to Councils to use the framework arrangements.

5 Officer Advice

The preferred option would be for the Council to participate in a collaborative, structured and compliant process with South Gloucestershire acting as the lead authority for the selection of pre-qualified providers and the award of a Framework for the provision of leaving care/independent living settings for young people aged 16-18 years. This option enables the Council to discharge its duty to provide good quality sufficient accommodation for care leavers. It allows for care leavers to take their first steps towards independent living with support and advice that affords them the best chance of becoming successful adults. Collaborating with other local authorities enables the Council to achieve better value for money in this sector and be more efficient in streamlining procurement processes.

6 Equalities considerations

6.1 Cabinet Members should read and consider the Due Regard Statement in order to satisfy themselves as decision makers that due regard has been given.

6.2 An assessment has been undertaken, the details of which can be found within the Due Regard Statement. Current and ongoing arrangements have and will continue to have a positive impact. Bespoke packages to meet individual needs (including protected characteristics) drive the type of provisions that are awarded. Diversity of provision enables the Council to promote equality of opportunity for this group. Moving to a sub-regional framework should enhance the diversity and expertise available.

7 Consultation Feedback

7.1 Plans to consult and obtain feedback from young people and providers are underway and will take place early in the New Year.

7.2 Current feedback from internal stakeholders has identified that there is a keenness to continue with Framework arrangements and that these should move towards the integration of supported living services more generally. Participation in the framework will compliment proposed integration of services.

8 Performance Management/Follow-up

8.1 Monitoring of the sub-regional framework agreement will be undertaken through regular, not less than quarterly, meetings with all participating authorities.

8.2 Ongoing monitoring of the quality of the services called-off under the Framework will be undertaken through regular contact between the Young People's Social Workers and other Professional Contacts as well as collation and analysis of quality monitoring information on a scheduled basis.

8.3 All Providers will receive formal annual quality assurance visits and will be supported with the development of appropriate action plans to improve service provision where concerns are identified. In addition to this there will be formal contract monitoring meetings to support the inspection visits.

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| Report Title | Proposed award of a South West sub-regional framework agreement for the provision of leaving care/independent living settings. |
| Statutory Authority | Children's Act 1989 Children Act 2004 (Guidance and Regulations) Children and Young People Act 2008 Leaving Care Act 2000 |
| Relevant County Council policy | Gloucestershire Early Help and Children and Young People's Partnership Plan: 2015-18 http://www.gloucestershire.gov.uk/CHttpHandler.ashx?id=64573&p=0 Sufficiency Statement |
| Resource Implications | The Framework itself does not have a value attached to it. The Framework will identify unit prices for services which can be called-off under it, to meet the individual needs of the Young People nominated to receive the service. Current estimated spend by the Council for the 2016/17 financial year is £1.07 million. This would equate to an estimated spend of £4.28 million over the term of the new Framework. Placements are currently and will continue to be funded though the Children's Social Care agency budget. |
| Sustainability checklist: | |
| Partnerships | South West Regional Framework |
| Decision Making and Involvement | N/A |
| Economy and Employment | N/A |
| Caring for people | Provision of this service, supports the Council in meeting its statutory obligations under the Children Act 1989 as amended to make available appropriate accommodation and support for vulnerable Young People. |
| Social Value | Participating local authorities seek to ensure that the provision of the Framework will ensure that the impact on social value is significant with benefits to local communities where young people are safely and appropriately housed and supported. That placing young people in |

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| | <p>their local areas and supporting and nurturing them to respect their community, appreciate facilities and contribute to their community adds social value.</p> |
| Built Environment | N/A |
| Natural Environment' including Ecology (Biodiversity) | The participating local authorities will endeavour that during the performance of the Framework to use methods, equipment, materials and consumables that minimise environmental damage. |
| Education and Information | Priority will be given to education, training and skills for employment. |
| Tackling Climate Change | <p>Carbon Emissions Implications? Neutral</p> <p>Vulnerable to climate change? No</p> |
| Due Regard Statement | <p>Has a Due Regard Statement been completed? Yes</p> <p>Yes - considerations included in main body of report</p> <p>A copy of the full Due Regard Statement can be accessed on GLOSTEXT via http://glostext.gloucestershire.gov.uk/uuCoverPage.aspx?bcr=1</p> <p>Alternatively a hard copy is available for inspection from Semonetta O'Connell. semonetta.o'connell@gloucestershire.gov.uk</p> |
| Human rights Implications | <p>The providers will be required to abide by the principles of the Human Rights Act and will be required to have clear policies in relation to the human rights of a young person.</p> <ul style="list-style-type: none"> - Children Act - UN Convention on the Rights of Children (Article 12) - National Standards for the Provision of Advocacy Services 2003 - The National Minimum Standards |
| Consultation Arrangements | As detailed in 6.1 and 6.2 |