



REPORT TITLE: 28-Day Emergency Fostering, PACE and Remand Beds

Cabinet Date	23 rd November 2022
Cabinet Member	Cllr Stephen Davies Cabinet Member for Children’s Safeguarding and Early Years
Key Decision	Yes
Purpose of Report	<p>To seek Cabinet approval to initiate a tendering process for a new contract or (as appropriate) contracts for the provision of the following three categories of service: (1) a 28-day same day/emergency placement service for Looked After Children; (2) a PACE (Police and Crime Evidence Act 1984) bed fostering service; and (3) a Remand Fostering service.</p> <p>This will allow a new contract or contracts to be awarded as part of Gloucestershire’s Sufficiency Strategy.</p>
Recommendations	<p>That Cabinet delegates authority to the Executive Director of Children’s Services, in consultation with the Cabinet Member for Children’s Safeguarding and Early Years to:</p> <ol style="list-style-type: none">1. Conduct a competitive procurement process in respect of a contract or (as appropriate) contracts divided into the following lots: Lot 1: supply of up to twelve (12) emergency/28 days or fewer foster placements; and Lot 2: supply of up to three (3) Police and Criminal Evidence (PACE) beds to meet the needs of young people who have been arrested. Additionally, this lot will include the supply of up to another three (3) Remand foster carers for young people on remand to the Police or the courts. (i.e., to supply both 3 PACE beds and 3 Remand beds) Such lots may be awarded to the same tenderer under a single contract or awarded to two separate tenderers under two separate contracts. The proposed contract(s) shall continue for an initial period of five years and include an option to extend its/their terms for a further period of not more than two years.2. Award such contract(s) to the preferred tenderer(s); and

	<p>3. Determine whether to exercise the option to extend the term of such contract(s) for a further period of not more than two years on the expiry of the initial five-year term.</p>
Reasons for Recommendations	<p>This is to update the current arrangements, and part of implementing Children Services Sufficiency Strategy.</p> <p>In terms of the background for resources, there is a clear need to have a contract given that the current arrangements have expired. This proposal will achieve that goal</p> <p>Our procurement strategy that we have identified is that the service will be procured through a single stage open tender with two lots. This approach allows more time for submission for a complex procurement and more time for evaluation of the responses.</p> <p>The key resource implication and benefit is that this contract will provide a less expensive option than a more expensive residential provision</p>
Resource Implications	<p>The cost of the contract(s) is estimated to be a maximum of £672k per annum, equating to an estimated maximum value of £4.704 million over the lifetime of the contract (including the 2-year extension option if exercised).</p> <p>The cost of the contract(s), including an inflationary increase option (if deemed appropriate) will be met from within existing children's commissioning budgets, specifically the External Fostering Placement Budget. We will consider a flexibility clause in the contract allowing a lower level of occupancy to reduce costs. It is worthy of note that these are usually emergency placements and the alternative of which may well be more expensive residential provision.</p>
Background Documents	<p>Sufficiency Strategy Children Services "Right Placement First Time" 2018 - 2021</p> <p>https://glostext.gloucestershire.gov.uk/ieDecisionDetails.aspx?ID=1221</p>
Statutory Authority	Children Act 1989; Children and Families Act 2005
Divisional Councillor(s)	Countywide
Officer	<p>Wendy Williams, Assistant Director for Integrated Children and Families Commissioning 01452 328526 07796611068 wendy.williams3@gloucestershire.gov.uk</p>

Timeline

- January Tender advertised
- March Tender closing date
- April Tender awarded
- July 2023 start of contract

Background

1. There are three types of fostering identified in this report. Firstly, the purpose of 28-day Fostering/ Emergency Placements is to provide a safe family home. This is on a short-term basis whilst there is a search for a more suitable matched placement. The second type of fostering identified is when a family provide a Police and Criminal Evidence (PACE) bed. The third type of placement is Remand fostering and is provided to ensure a young person can live with an approved foster family whilst being on remand to the Police or the courts.
2. In general terms, emergency 28-day fostering schemes provide children and young people with a supportive, stable home for a period of 28 days, to allow a search for longer-term carers.
3. When a child unexpectedly enters the care system, an emergency foster home can meet need whilst there is a search for a permanent home. This may include finding the right permanent foster carer, or reunification with the family. It is important that the child is in a safe, temporary home within familiar surroundings. Emergency 28-day Fostering allows the child to stay within the boundaries of their local authority, ensuring that they can continue to attend their current school during the 28-day period and have regular access to their social worker, with whom they are familiar, and their family if required.
4. The 28-day window allows appropriate long-term arrangements that may include finding permanent foster carers who are right for that child, limiting the risk of multiple placements, and causing any further unnecessary distress. 28-day foster carers must be prepared to care for a child within a short space of time, have space in their home to do so, and commit to the 28-day care of that child. They must be compassionate and patient, and able to provide stability, at an unstable time.
5. The demands placed on the care services to meet the needs of children who come into care have been under pressure nationally. The purpose of fostering is to provide a family home for children that can meet their needs which can take days or weeks.
6. The second type of fostering in this report is fostering to provide a Police and Criminal Evidence Act (PACE) bed. This is known as a fostering PACE bed. This type of service used across the country by different Local Authorities. The fostering PACE bed for a one-night only resource when requested by the police for a young person who would otherwise be in police cells overnight until they appear in court the next day. The main purpose of this service is to provide a familiar family home for a young person in distress and difficulty with the law. The alternative is a residential PACE bed or custody. This type of foster home has specially trained carers to meet the needs of young people who have been arrested. The duration of the placement is usually 24 hours.
7. The third type of fostering in this report is Remand Fostering. This is a specifically approved foster home. Like PACE foster carers, Remand Foster carers have received specific training and are keen to work with teenage young people who

have issues with the law. These placements can last several weeks or months as guided by the Police or a remand order made by the courts.

8. The aim in this report is to ensure that these types of fostering are commissioned through Independent Fostering Agencies, who can meet the need across the county.
9. A contract has been in place for several years to provide short term, emergency/same day foster placements. This contract was used to address the increased use of spot purchased placements often at premium costs. The capacity for one fostering PACE (Police and Crime Evidence Act 1984) bed was set up. This was based on the actual demand at that time. In 2009 the contract, and the number of placements identified a maximum of six at any one time. The last contract lapsed during the Covid pandemic, as foster carers were shielding. We are now bringing a new contract process to the Cabinet to take this provision to the market.
10. The evidence of the service to date is that the provision is effective and well used. Our demand for Children in Care services has increased and the opportunity in this report is that we have the potential to meet need locally by expanding the service, through an inexpensive family-oriented provision. This programme would potentially be able to reduce the pressure on in-house fostering provision to respond to emergencies – therefore, supporting that team to be able to focus on long term matching, stability, and permanency.
11. OFSTED has recognised Gloucestershire’s improvement journey - *Most children are living in homes with carers who understand their needs. Children are appropriately matched to carers, including family members, with viability assessments of family and friends completed promptly. However, there is not a sufficiently wide range and choice of placements available to meet the needs of all children in care. As a result, a small minority of children in larger family groups continue to live in unsuitable arrangements while the right home is sought.* To address this issue identified by Ofsted the aim of this contract will be to double the availability of 28 Fostering Placements, also it will increase the availability of PACE and Remand Fostering placements which we intend will be more local to our community.
12. Over the last twelve years, there has been a significant increase in the numbers of children who become looked after. In 2010 the figure was approximately 450 whereas in February 2022 the figure was 850. This is an increase of 89% in that period. This has stretched existing capacity, even in the last two years the growth of Looked After children has risen by two hundred to the current figure.
13. Our 2022 Sufficiency Strategy called “Homes@Heart” notes that; *Together with the high number of children starting to be in care, the number of moves has added to the volume of requests being dealt with by the fostering services and the Placement Team. This has inevitably made it harder to match children to appropriate homes with short-term arrangements often used which inevitably bring a subsequent move. Emergency and same day requests pose a particular challenge to the Placements Team. During the calendar year 2020 there were 254 such requests, around one in four of the total, and equivalent to around five per week on average.* The aim of the

Strategy and this contract is to reduce the number of short term moves which will contribute to improved stability for children. It also allows the often traumatised young people to calm and settle. This, in turn, allows a search where a more settled young person can be considered by other providers for a longer term placement.

14. The council's contract for emergency/same day foster placement services awarded in 2009, has secured a localised, specialised service provided by an Independent Fostering Agency through their foster carers living in Gloucestershire. Excellent partnership collaborating with the current provider has allowed us to develop the service to pilot this approach.
15. This background information informs the need for an increased provision of short-term foster carers who can meet either 28 Day Emergency Fostering, PACE bed fostering and Remand fostering locally.

Options

Option 1 – do nothing - The current arrangements

16. The council's current arrangement for the provision of emergency/28 days or fewer foster placements does not contain any extension options.
17. Without a contract in place, the council would have to spot purchase such placements which would be an expensive solution and lose the benefits gained through an innovative pilot approach that was developed by the council with the current service provider. A spot purchase approach would prevent the council from being able to continue the development of its own innovative approach with a contracted partner given that it would have to constantly compete with other Local Authorities for available placements, hence resulting in a loss of control regarding referrals.
18. The current measures were set up when demand was half the current level of need. Within the service currently we have no Remand Fostering beds, we only have access to one PACE fostering bed in the county; the number of 28-day foster placements available is up to six at any one time. They are often full.
19. In terms of Remand fostering, we currently have no commissioned provision and spot purchase remand fostering if it is available from an external provider. We would benefit from an additional provision in the contract to have available Remand fostering placements.
20. We are currently unable to achieve range and choice in either placements or location. In terms of equity, doing nothing would exclude a potential set of new providers into the market.

Option 2 – use current framework agreements

21. The Council uses a range of fostering framework agreements for procuring long and short-term fostering which we partner with other commissioners across the Southwest. These are our shared resources. These frameworks do not apply to this contract proposal which do not make provision for the commissioning, or the training

of neither Emergency Foster places, PACE beds nor Remand fostering. The provision of each requires specific commitments from the carers and training which is not part of the wider framework. We need a local contract to meet this need.

Option 3 - to procure the contract(s) proposed in the above Recommendations

22. Securing emergency provision can be a challenge and experience suggests that a specific, specialist service is necessary and avoids extremely high, ad hoc expenditure for foster placements. The council's 'in house' fostering service has increased its provision. The in-house fostering service has a remarkably high occupancy rate of approximately 94%, giving little capacity or flexibility to provide for a designated 28-day emergency, PACE provision or remand beds.
23. The council's contract for emergency/same day foster placement services awarded in 2018 demonstrated the value of this service in terms of placement availability for a specified period and flexibility of placements to meet changes in demand through good working relationships with the providers. The benefits of the 28-day service include:
- 1) Increased capacity (for short term accommodation) which can meet spikes in demand.
 - 2) Through Trauma informed commissioning - we want our children to know they have stability while we find the right home for them, having 28-days provides this stability.
 - 3) An effective response is available to children and their families at the point of family crisis/ safeguarding concerns resulting in the need for emergency action
 - 4) A relationship-based commissioning approach with improved working relationships and negotiations with the selected providers
 - 5) 24-hour access to provision, with stability of placement for 28 days. (N.B., Prior to the current arrangements, young people could sometimes have emergency provision for only a day or two then had to move to another carer).
 - 6) Satisfying the requirements in the Children and Young Person's Act 2008 regarding the local authority making available local provision to meet need using our sufficiency data
 - 7) Managing costs in relation to emergency and PACE provision
24. Therefore, we propose to initiate a competitive procurement process to secure emergency foster, Remand and PACE placements provision over the next five years (with the option to extend for a further two years). We intend to ensure the availability of suitable placements to Looked After Children and young people. Initiative-taking planning and good support will also be necessary for our aim to continue to improve outcomes.
25. The proposed contract shall be divided into the following two. lots:
- Lot 1: supply of up to twelve (12) emergency/28 days or fewer foster placements; and
- Lot 2: supply of up to three (3) Police and Criminal Evidence (PACE) beds in order to meet the needs of young people who have been arrested and up to three (3) remand foster placements.

Such lots may be awarded to the same tenderer under a single contract or awarded to two separate tenderers under two separate contracts. The proposed contract(s) shall continue for an initial period of five years and include an option to extend its/their terms for a further period of not more than two years

Our procurement strategy that we have identified is that the service will be procured through a single stage open tender with two lots. This approach allows more time for submission for a complex procurement and more time for evaluation of the responses.

The estimated total contract value is up to £ 4.704 million spread over 7 years (that is, if the council elects to exercise its 2-year extension option). Upon conclusion of the competitive tender process, in consultation with the Cabinet Member for Children's Services we intend to enter a contract arrangement with the preferred tenderer(s). We will determine whether to exercise the option to extend the contract for a further period of not more than two years on the expiry of the initial five-year term.

Risks

26. There are four significant risks identified. We have reviewed the risks and identified mitigations to address and resolve the issues found.

a) Risk: No Provider

Mitigation: We will undertake market management to encourage and promote the opportunity. With our pilot programme we know that the current provider is positive about the project, we hope that this provider and others may apply to increase capacity in this area.

b) Risk: failure to expand the provision, we may not get a second provider. The market is under pressure and the demand on the foster carers is high for this type of short-term work.

Mitigation: this will be actioned through good market management and promotion. We will promote this initiative in the hope that the tender will produce a range and choice of providers for the council to consider. The support for the foster carers for this demanding role will be actioned within the tender as part of the contract.

c) Risk: The PACE and Remand Fostering provision can be very demanding on foster carers who must be retained, and specifically trained for this type of service.

Mitigation: This is a highly specialised service. We will have a specific lot for PACE provision as some IFA's may not wish to tender for this aspect of service. A specific lot about PACE will allow this to be promoted. Foster carers who accept this work will have a retainer and additional training which will be within the tender as part of the contract. This is because they will have to provide accommodation and a service for young people in considerable

distress and may have been challenging to the public. They will need to be providers who have no other children or vulnerable people in their property.

- d) *Risk: a lack of service. If a PACE, 28 Day Emergency or Remand Fostering service were to be unavailable children would be sent to a children's home provision across the country. If a PACE or Remand bed were unavailable young people would be placed in a Young Offenders Institution*

Mitigation: the evidence is that this model works. Our emergency provision is in place and is popular with the provider staff and children. The PACE provision has allowed young people to be away from areas restricted by the police whilst being safe within a family home. We will encourage new suppliers into the market to increase the number of providers and thereby increase capacity.

Financial implications

27. The cost of the contract(s) is estimated to be up to £672k per annum, equating to an estimated maximum value of £4,704 million over the lifetime of the contract(s)(including the 2-year extension if exercised). We note that any decisions about inflation during the contract will be met from within the Council's allowance decisions for inflation. The cost of this contract will be met from within existing children's commissioning budgets, specifically the Fostering Placement Budget. These are usually emergency placements and the alternative of which may well be more expensive residential provision.
28. Whilst this initiative's purpose is not focussed on savings and is a premium fostering service it remains cheaper than the residential equivalent. It would, overall, reduce the costs for provision for these young people where it is used. It is difficult to estimate take up of the provision and children move on from the premium 28-day service into mainstream fostering. As an example, a random case study comparison for the costs of three children in a 28-day fostering placement for a 6 month period compared to the same children being in residential during the same period could save up to £269k in that period.
29. The financial implications flow from the current statistics which are as follows:
- a) There has been a total of 39 Emergency/ 28Day Placements provided during the last full budget year.
 - b) The range of 28-day fostering provision is up to seven. This changes constantly with different monthly totals. We note that there were no 28-day foster beds provided in September 2021, whilst the highest number is seven in one month provided in May 2021.
 - c) The average number of Emergency/ 28 Day Placements is 3.3 per month and the current demand for emergency/ PACE provision constantly exceeds demand. This is because we are unable to match families with young people. Capacity over the most recent 6-month period has been 83%. This is effectively at capacity and reduces our choice when making placements. The purpose of expansion (in line with the doubling of the number of children in care over a ten-year period) is to increase the number of foster carers and increase range and choice, whilst avoiding residential costs wherever possible.

30. The financial cost of the service today is set up to be £231k per year. A doubling of the service would require money from another part of the Placements Commissioning Budget, specifically the Fostering Placement Budget. On this basis a doubling of the 28 day provision would provide up to 12 Emergency 28-day foster homes and up to 3 PACE Fostering Beds and 3 Remand Fostering Beds to £672K per year. This is subject to inflation over future years. This estimate of provision is based on the doubling of demand within the county over the last 10 years. In 2010 the number of children in care was approximately 450, whereas the current figure is just over 870. The assessment made is that a doubling of emergency fostering would match the increase in demand over a ten-year period. We also know that demand, nationally and locally, is likely to increase on current trends.
31. The proposal is to increase the PACE beds from one to three. This is to provide a range of provision and we plan that these beds will be across the county giving choice.
32. The implications of expanding this service would mean a reduction in more expensive residential provision. We know that the average residential provision is approximately £4800 per week compared to the average independent fostering cost is £876 per week. The 28-day/Fostering, PACE and Remand fostering provision is a premium of £1350 per week. This increase in emergency fostering and pace provision means that young people can be in foster care rather than residential care, bringing a weekly saving of £3,450 per week for that child.
33. We do not anticipate that this provision will be always full, and there will be periods when the numbers are smaller. On this basis it is worthy of note that the risk can be mitigated if there is a reduction in demand, in agreement with the provider and subject to the terms and conditions that will be proposed in the contract, they will arrange to reduce the number of placements available, allowing for flexible provision and a cost saving.

Climate change implications

34. This initiative has implications for climate change. A local provider who can meet immediate short term emergency placements in Gloucestershire will provide a service which is convenient and in the vicinity. This will reduce the mileage and carbon usage by avoiding placing out of county.
35. The idea behind the 28-day emergency fostering is to provide an opportunity search for a local fostering placement during that period, reducing the need outside the county.

Equality implications

36. Cabinet Members should read the Equalities Impact Assessment to satisfy themselves, as decision makers, that there has been due regard to the issues.

Data Protection Impact Assessment (DPIA) implications

37. Due to the level of Personal and Special Category Data needed as part of this project, a Data Protection Impact Assessment (DPIA) is a legal requirement. A DPIA assessment has commenced to identify the personal data risks, these will be actioned within the tender and mitigated within the contract terms. The current assessment shows that the Cyber Essentials Plus accreditation will be required, which will be included in the contract terms. During the contract mobilisation and implementation, we shall continue to review the DPIA and ensure that the providers are compliant with the legal duties and our expectations.

Social value implications

38. The social value implications for this 28-Day Fostering and PACE proposal is that it will be a service provided by local families for local people. In terms of employment local foster carers provide an invaluable service to the community and our most vulnerable young people. The intention is to expand the service by promoting provision using not- for-profit for fostering providers who can meet the local need.

Consultation feedback

39. There is a recent engagement which is relevant to this proposal. Key messages from June 2021 with young people in care have voiced that they wish to feel valued, feel safe and know about what is happening to them. Young people want to ensure that their views are actioned. Also, young people want to develop the right skills for their journey.

40. Also, the engagement identified that young people thought there could have been better matching between themselves and the foster carers to find the right placement. They often reported frequent moves; and not understanding 'why' i.e., how this squared with what they hoped to gain. They became frustrated by continually having to repeat their story.

41. In terms of the foster carers, the feedback from the same engagement exercise (June 2021) noted that good partnerships are based on four related values: a reasonable level of demands, recognition of role, appropriate remuneration and feedback which assists continuous learning.

42. These key messages have informed the Sufficiency Strategy and the Fostering Strategy and will influence the recruitment and selection of the potential providers for the 28-day Fostering and PACE service. These recommendations make a commitment for stability and certainty for when young people come into care on a short term or emergency basis. They will reduce unnecessary moves for these young people.

Officer recommendations

43.

That Cabinet delegates authority to the Executive Director of Children Service's, in consultation with the Cabinet Member for Children's Safeguarding and Early Years to pursue the proposals set out in the above Recommendations.

Performance Management/Follow-up

44. Performance management metrics for these tendered services will be submitted by providers and reviewed by the council. The performance data will be subject to regular review and will include engagement with children, young people and their parents/carers who will inform oversight meetings.