

## **Report to Lucy Butler, Executive Director for Children, Young People and Learning**

**August 2021**

### **Award of contract - Accommodation services for young people aged 16+**

**Report by Susan Tanner, Assistant Director Children's Commissioning**

**Electoral divisions: All**

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#### **Summary**

The County Council commissions a range of different accommodation options as part of preparing Young People aged 16 years and over who are looked after for living independently. Accommodation is also provided for other eligible 16+ Young People, such as unaccompanied asylum-seeking children. These accommodation services are currently accessed via a Dynamic Purchasing System (DPS), a mechanism that enables the Council to match a Young Person's needs with a suitable accommodation provider. The current DPS for 16+ services will expire on 31<sup>st</sup> March 2022.

In March 2021 the Cabinet Member for Children and Young People approved the commencement of a procurement process to establish a new Open Framework (under the Public Contract Regulations 2015 "light touch" regime) to replace the DPS as the mechanism for sourcing these services; Decision [CYP03\(20/21\)](#) refers.

A competitive procurement exercise has been undertaken in accordance with the Public Contracts Regulation 2015 under the Light Touch Regime. The Council is now in a position to award the places onto the Framework to successful providers.

#### **Recommendation**

The Executive Director of Children, Young People and Learning is asked to:

- (1) Approve the award of places on the West Sussex County Council Framework for Accommodation and Support for Older Looked After Young People and Care Leavers to providers that meet the criteria and standards required, listed in paragraph 2.1, for an initial period of five (5) years commencing 1<sup>st</sup> September 2021. There is an option to extend the Framework for a further two (2) years should the delivery and performance of the Framework be satisfactory.

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#### **Proposal**

##### **1 Background and context**

- 1.1 Local Authorities have a statutory duty under the Children Act 1989 (as amended) to provide Young People who are looked after with safe and appropriate accommodation. Local Authorities also have a duty to support those leaving care until they are 21 years of age (or up to 25 years if they are accessing Higher Education). The Children Act also imposes a general duty on Local Authorities to safeguard and promote the welfare of children within their area who are in need. This can include the provision of accommodation for unaccompanied asylum-seeking children.
- 1.2 These duties are met primarily through accommodation services for young people aged 16+ which are currently sourced by the Council via a Dynamic Purchasing System. These services take the form of both semi-independent and independent accommodation, on a planned or emergency basis, for any of the following groups as is appropriate:
  - Children Looked After and Care Leavers
  - Young People with mental health issues
  - Pregnant Young People
  - Young offenders, including Young People fitted with an electronic tagging device
  - Young People affected by substance misuse
  - Young People from a traveller family background
  - Young People affected by domestic abuse
  - Unaccompanied Asylum-Seeking Young People.
- 1.3 As the current DPS expires in March 2022, in March 2021 approval was obtained from the Cabinet Member for Children and Young People to commence a procurement to set up a Framework agreement to source accommodation services for young people aged 16+. As part of the decision the Cabinet Member also approved the delegation of authority to the Executive Director of Children, Young People and Learning to both implement the framework agreement and award contracts to successful providers on completion of mini competitions undertaken to obtain services from the framework agreement.
- 1.4 Since the decision to commence the procurement was taken by the Cabinet Member it has been determined that the Framework Commencement Date should be brought forward from 1<sup>st</sup> April 2022 to 1st September 2021. This is to enable the County Council to use the Framework to run mini-competitions for Block Contracts (larger contracts made up of multiple placements to provide particular accommodation requirements for young people) that need to be in place prior to the originally proposed start date of the Framework. The Cabinet Member has been briefed on the proposed change to the timescale and rationale for this.
- 1.5 A [Contract Notice](#) was issued on the Find a Tender Service website on 29<sup>th</sup> April 2021 (ref 2021/S 000-009314). Further promotion of the opportunity to tender was made through the West Sussex e-Sourcing Portal and Contracts Finder.
- 1.6 The tender evaluation featured both a technical and commercial element with both elements being assessed on pass/fail basis. The technical element of the tender included ten method statement questions and minimum scoring requirements to determine the ability of the providers to deliver the required

services. Providers that successfully passed all elements of the pass/fail criteria, have been successful in gaining a place on the Framework.

## 2 Proposal details

- 2.1 It is proposed the named 25 providers in the table below are awarded places on the West Sussex County Council Framework for Accommodation and Support for Older Looked After Young People and Care Leavers. The Council received 37 applications in total with 25 providers passing the criteria to be awarded onto the Framework.

Achieving Higher Heights	Ownlife
Anytime Recruitment	PA Ark
Asphaleia	Quinata
BEST Project	Sevenways
Budwood	Silver Birch Care
Cranmead	Step4ward Services
Enthum Foundation	Still I Rise
Impact Initiatives	Stonepillow
Key2	Thanet Healthcare
LCS Partnerships	Transform Housing
Moving on Care Management	Two Saints
My Life Semi Independence	YMCA Downslink
Netpex	

- 2.2 The Framework will commence on 1st September 2021. The length of the Framework will be 5 years, with an option to extend for a further 2 years.
- 2.3 The Framework will be "open" so that new providers can join post September 2021; however the application process for new providers is temporarily closed until January 2022 to allow for the tendering process and mini competitions for the new block contracts detailed in paragraph 2.6.
- 2.4 The Framework will reopen in January 2022 for new providers to apply and will remain open for the remaining duration of the Framework. All new providers applying for a place will go through the same evaluation process to assess their suitability for admission to the Framework; those who meet the criteria and standards required will be awarded places on the Framework. New providers awarded places on the Framework will be approved under the Executive Director of Children, Young People and Learning's onward scheme of delegation.
- 2.5 When a service for a child or young person is required a suitable provider will be obtained through running a mini-competition process in accordance with the terms of the Framework Agreement. Authority to award the contract to the successful provider will be in accordance with the Executive Director of Children, Young People and Learning's onward scheme of delegation.
- 2.6 Once the Framework has commenced in September 2021 the existing block contracts will be recommissioned via a mini-competition process and expanded to increase the number of young people they can accommodate. Due to the scale of these individual block contracts any that meet the key decision criteria will be the subject of a separate key decision process.

2.7 As part of the new contractual requirements, providers will need to have their own Outcomes Framework that focuses on young people preparing to leave care and the support they will receive to help and assist them in making a successful transition to adulthood; this must be in partnership with all parties involved in the local provision of housing to ensure maximum opportunity.

2.8 As part of the new contractual requirements, providers must deliver their service with a Trauma Informed approach that embraces an understanding of trauma at every step of service delivery. This model requires a compassionate and understanding attitude, in order to address the intersecting effects that trauma can have on people's lives. It seeks to create a culture of non-violence, learning, and collaboration in all aspects of service delivery, while also recognising the physical, psychological and emotional importance of Young Peoples' and providers' safety.

2.9 The new Framework will:

- Help stabilise and increase market capacity to provide more choice for Young People;
- Broaden the scope of the Council's offer to meet future demand and changing needs;
- Increase the efficiency of arrangements by using the Framework to call off new block contracts that will reduce reliance on spot purchasing and expensive out of county placements; and
- Ensure the Council is compliant to all aspects of statutory legislation and strategically aligned to its local partners.

### **3 Other options considered (and reasons for not proposing)**

3.1 **Do nothing.** Not awarding the contracts under the new Framework would hamper the purchasing of placements for young people. The current DPS will cease 31<sup>st</sup> March 2022 and there is no scope to extend this further. It would also prevent suitable providers from entering this market in West Sussex and widening the choice of providers. This would not support the Council in meeting demand for 16+ services, during a time when the looked-after child population is rising, both nationally and locally. It would also not allow the Council sufficient time to undertake a full review of services and plan for the future, meaning that there would be no effective mechanism in place through which to exercise quality control with lengthy, complicated and inefficient process to place each young person. This in turn would likely lead to a widespread failure to meet the needs of young people, a failure in a statutory duty and escalating costs.

### **4 Consultation, engagement and advice**

4.1 A virtual market engagement event was held on 14<sup>th</sup> January 2021 to outline proposals and gain feedback from the market. This was attended by 39 providers, 27 of which are potential new providers to the Council.

4.2 Providers fed back a desire to learn more about Trauma Informed Practice (TIP). A provider workshop on Trauma Informed Practice was arranged by Commissioning and held on 23<sup>rd</sup> February 2021. The workshop consisted of two presentations; one from a current provider who is already delivering TIP in their

service and one from a Consultant Clinical Psychologist who currently supports staff in Trauma Informed services. The workshop was attended by 70 people from 34 providers.

- 4.3 Co-production meetings were held with a group of Care Leavers, the group of Young People have a particular interest in housing for Care Leavers and the journey to independence for Young People leaving care. The Young People reviewed the Service Specification and provided their feedback. Their views and suggestions have been included.
- 4.4 The same group of Young People were invited to design their own method statement question, which forms part of the award criteria providers must pass to gain a place on the Framework. The Young People independently evaluated the tenderer's responses to the question they designed. The Young People and the Voice and Participation team have committed to evaluating their application question for the duration of the Framework. This was facilitated by Procurement for the establishment of the Framework and will be repeated for any new applications to join the Framework.
- 4.5 Social Work and Leaving Care Managers were consulted and their feedback and views were used to inform development of the Service Specification.
- 4.6 A Bidders Briefing was held on 6<sup>th</sup> May 2021. 35 attendees joined members of the commissioning and procurement teams for the briefing.

## 5 Finance

### 5.1 Revenue consequences

The Children's Services budget already funds placements for eligible Young People aged 16+. This proposal will improve the efficiency and cost-effectiveness of such placements. Savings are anticipated from 16+ services over the next 2 years.

	<b>Current Year</b> 2021/22 £m	<b>Year 2</b> 2022/23 £m	<b>Year 3</b> 2023/24 £m	<b>Year 4</b> 2024/25 £m
Revenue budget – 16+ placements	6.2	6.1	6.0	6.0
Change from Proposal	-0.1	-0.1	-	-
Remaining budget	6.1	6.0	6.0	6.0

### 5.2 The effect of the proposal:

#### (a) **How the cost represents good value**

Value will be improved through moving to a more efficient proportion of block contracted placements, as opposed to spot purchased placements (individual placements to accommodate a Young Person often urgently and potentially short term, to suit a particular individual's needs, or when there is no appropriate capacity elsewhere). There will also be a move to ensure a more reflective average cost for spot placements through increased competition. These aims will be delivered by:

- 25 providers awarded to initiate the new Framework. The open nature of the Framework will encourage continual market growth and support the Council to meet changes in demand and need;
- Improved reporting on and increased scrutiny of new block and spot arrangements to ensure efficient and appropriate use; and
- The recommissioning of 16+ services, including future block contract provision, will be reviewed and reapportioned as necessary in order to ensure that there is the right types and levels of provision in West Sussex.

**(b) Future savings/efficiencies being delivered**

This proposal will contribute towards savings of £200k attributed to 16+ services over the next 2 years. This savings figure is based upon moving from the current block/spot split of 59% / 41% to a 70% / 30 % split, in addition to a reduction in the average cost of spot purchased placements.

**(c) Human Resources, IT and Assets Impact**

The Council has one block contract with a provider which is delivered from a Council asset – Tempe on Market Avenue, Chichester. This service will form a part of the recommissioning process and it is anticipated that it will continue to be used for its current purpose for the duration of the new Framework.

Consultation with Legal Services has confirmed that TUPE may apply in relation to the Block Contracts and the Council will discharge its obligations to facilitate the sharing of TUPE information within the tender documentation. This sharing of the incumbents’ TUPE information will allow all providers to provide a fully considered tender response. The TUPE implications will potentially need to be considered between incumbent providers and new providers and will only be relevant to future block contracts called off from the new Framework.

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
As these services are accommodation-based, access to suitable property in West Sussex can be a barrier to entry for new providers.	Sufficient time for new providers to mobilise and secure appropriate property for future block contracts will be allowed for within procurement timelines.
Some providers of existing placements have not been successful in their application for the new Framework	To avoid unnecessary disruption, Young People will remain with the same provider if possible until the natural end of placement. If this is not possible, mini competitions under the new Framework will take place for any such placements, ensuring that alternative suitable placements are quickly identified for Young People, supported by planning of the placement move by social work teams.

**7 Policy alignment and compliance**

**7.1 Legal Implications**

- (a) The Council has a statutory duty to provide accommodation and support to all Children and Young People who are looked after over the age of 16 until at least their 18<sup>th</sup> birthday or, in the case of unaccompanied asylum seeking children, until they receive leave to remain and recourse to public funds. This proposal will enable the Council to continue to meet this duty.
- (b) Decision [CYP03\(20/21\)](#) approved the procurement of a framework (to replace the DPS which was due to expire 31st March 2022) under the "Light Touch" Regime (as described in more detail above and reference at Regulations 74 to 76 of the PCR 2015 (as amended)), to allow these statutory duties to be discharged by the Council in a legally compliant way.
- (c) PCR 2015 and public procurement general principles of fairness, non-bias, transparency were complied with in the procurement process and robust, clear and transparent evaluation methodologies were designed to result in a successful procurement of 25 successful providers being awarded a place on the Framework.
- (d) The primary aim of the service is to place the Children and Young People at the "heart" of the procurement and continuity of service has been allowed by utilising the flexibilities of the "light touch" framework structure, allowing placements with unsuccessful applicants on the new Framework to continue until their natural end, focusing on the block allocation placements and then reopening the Framework from 1<sup>st</sup> April 2022 for new applicants for a place on the Framework, to ensure the Statutory needs of the Children and Young People are being met.

## 7.2 **Equality duty and Human Rights assessment**

These proposals will support the Council in meeting its duties and continue supported accommodation arrangements which provide essential services for those Young People who may be at a disadvantage as they transition to adulthood; for example Young People with an education, health and care plan (EHCP) for whom training for independence and support in developing life skills may be vital, or unaccompanied asylum seeking children.

## 7.3 **Climate Change**

Commissioned services under the new Framework will be located within West Sussex, or within neighbouring local authorities where appropriate, limiting the need for extensive travel, and therefore emissions, for both the Young People and their professional network.

## 7.4 **Crime and Disorder**

Providers will be encouraged to work with Young People in a restorative way, with the aim of building healthy communities, increasing social capital, decreasing crime and antisocial behaviour, repairing harm and restoring relationships. All services will be linked with their local Police Community Support Officer (PCSO), who will visit services and interact with the Young People. Community safety teams will also be available to be contacted by the provider should an issue arise.

## 7.5 **Public Health**

One of the key goals for the West Sussex Joint Health and Wellbeing Strategy 2019-24, under the 'starting well' priority, is that Children and Young People leaving care are healthy and independent and that services therefore work to ensure comprehensive pathways and care packages are available to support care leavers, recognising the positive impact that this can have on Young People's physical and mental health and wellbeing and life chances. The new Framework will allow existing services to continue and increase supply as more providers are enabled to join.

## 7.6 **Social Value**

One of the fundamental objectives of these services is to support the Young Person leaving care to develop a strong sense of themselves and their identity. The development of positive self-image and understanding of their background and history will enable the formation of a positive sense of citizenship. This will enable the Young Person to hold a sense of belonging and ownership of the community they live in and a connection to society in general. Services will also work to develop confidence and self-esteem within the Young Person, so they have the ability to make informed choices moving forward and be able to voice their opinions and thoughts on key issues that affect them. A social value commitment will be expected from providers and is part of the evaluation criteria for any block contracts.

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**Background Papers** - None