

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

**November 2021**

### **Continuing arrangements for the provision of urgent and specialist support for children and young people**

**Report by Dan Ruaux, Assistant Director Corporate Parenting**

**Electoral divisions: All**

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#### **Summary**

In the past year the County Council has experienced high volumes of requests for nurse-led care for children and young people at short notice and often in emergency situations. No existing framework agreement or dynamic purchasing system (DPS) is available at present to enable the County Council to purchase the type of care that meets the needs of these vulnerable children due to the specialist services required and the notice periods given (often same day). The Covid-19 pandemic has also increased the demand for emergency provision to support families as part of the Council's response.

The Council has contracted with a small number of providers to obtain these specialist services over the past year. The need to continue purchasing these services is projected to continue, so it has been necessary to extend existing arrangements with these providers whilst a more competitive framework agreement for purchasing this care is established, to be live from the beginning of March 2022.

#### **Recommendation**

- (1) That the Executive Director of Children, Young People and Learning approves, in retrospect, the extension of the contracts with Bluelight Healthcare and Thornbury Nursing Services for 8 months from 1<sup>st</sup> July 2021 to 28<sup>th</sup> February 2022, bringing the estimated total value of the contracts with these providers to £1.187m.
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#### **Proposal**

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

- 1.1 Urgent and specialist services are used for a small number of children and young people with very complex and sometimes challenging needs and behaviours, that can involve mental health problems, autism, trauma and attachment disorders and learning difficulties. Without using these specialist services these children would otherwise be at risk of needing to be housed in a

secure placement or admission to Tier 4 mental health facilities - a specialist in-patient service. These services support in stabilising the home environment or placement in the short term, whilst longer term arrangements for the child are identified. This can aide with giving an opportunity to further assess the needs of the child to ensure any future placement is best matched to their individual needs.

- 1.2 Providers of this type of support are staffing agencies who specialise in the provision of registered nurses, including mental health nurses, healthcare assistants (HCAs) and other care/support staff at very short notice in order to create specialist packages of care for children with complex needs, either in the home or in placements elsewhere.
- 1.3 Demand for services such as this on an emergency basis has inevitably increased as a result of COVID-19, for example to take over the provision of care when other providers have had to suddenly limit or close services due to staffing shortages. An increase in demand to support discharge from mental health hospitals, again exacerbated by the impact of the pandemic, has also been a particular issue nationally.
- 1.4 The Council has contracted with a small number of providers over the past year for provision of these services. The need for these services is projected to continue and Cabinet Member approval is currently being sought to commence a procurement process for establishing a framework for urgent and specialist support, to be in place by early 2022.
- 1.5 An extension of the contracts with the existing providers is required to help cover the interim period whilst the longer-term procurement is underway and continue to provide critical services to a small number of children.

## **2 Proposal details**

- 2.1 It is proposed to extend the existing contracts with Blue light Healthcare and Thornbury Nursing by 8 months to 28<sup>th</sup> February 2022, as per the option allowed within the terms of the contract.
- 2.2 Due to the limited number of providers in this market and the short timescales involved, these two providers are already providing continuing care and support for 6 children in their own homes and one in a solo placement, it is proposed to extend the contracts with both providers for a period of 8 months for this service, whilst the longer-term solution is implemented. The contract will be retrospectively dated to start on 1<sup>st</sup> July 2021 and will run until 28<sup>th</sup> February 2022.
- 2.3 The procurement of a new framework for urgent and specialist support will be the subject of a separate key decision with the intention to complete the procurement during the extension period.

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

- 3.1 **Use of the Council’s contract with Matrix SCM** – This type of support falls outside of the existing contract with Matrix SCM, the Council’s Managed Service Provider (MSP), as it is not to replace existing staff. The Matrix contract provides temporary contract staff to backfill existing staff where shortages occur.
- 3.2 **Use of the Council’s Supported Living and Family Support Services (SLFSS) Framework**– This has had limited success, but the current specification of the Framework means there is not the option to fulfil same day requests or provide some types of specialist staffing e.g. registered nurses. The same is true of the Family and Community Support (FACS) framework, which will replace SLFSS later this year. Both these existing frameworks are designed to fulfil longer term needs and it is expected that once the urgent need has been delivered, longer term solutions may be called off the FACS framework.
- 3.3 **Run a separate competitive tender for this service** – These packages need to be put in place very quickly because of the urgency of each situation. These children are in acute distress and require specialist care. There has therefore been insufficient time to complete a competitive process that would meet immediate need. Cabinet Member approval is currently being sought to commence a procurement and enable urgent and specialist support services to be purchased through a new framework in future.

### 4 Consultation, engagement and advice

- 4.1 Advice from procurement, finance and legal officers was sought as a part of the proposal to extend existing arrangements.

### 5 Finance

- 5.1 Revenue consequences

A summary of what children’s services has spent to date on these services, and what it is estimated will be spent up until the end of this proposal, is set out below. Estimates of spend are based on historical data only, and there is no guarantee of actual business being generated as a result of this proposal.

<b>Item</b>	<b>2020/21 £000 (actual spend)</b>	<b>2021/22 £000 (projected spend until 28<sup>th</sup> Feb 22)</b>	<b>Total £000</b>
Thornbury Nursing	705	520	1,225
Bluelight	28	667	720
<b>Total</b>	<b>733</b>	<b>1,187</b>	<b>1,208</b>

The costs to date have been paid for from the existing placements budget, which already allows for placements for children the Council cares for, and the potential future costs have been included as projections in the 2021/22 budget monitoring reports.

## 5.2 The effect of the proposal:

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

As part of the longer-term procurement of a framework, a benchmarking exercise has been undertaken with one other local authority to compare rates that key providers in this area are charging. This indicated that, whilst high, there is no significant difference between rates. Given the small number of providers, the urgent nature of the demand and the level of need of the children (which can often mean there is no other alternative to this service), this proposal is currently the only option for the delivery of this service.

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

There are no savings/efficiencies to be delivered through this service, the focus of which is providing critical support for children and young people for whom the Council has a statutory duty. In the longer term, commissioners will work with the market to identify the most efficient way to source this type of service through the proposed framework.

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

None.

## 6 Risk implications and mitigations

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
<b>Reliance on a single/small number of providers.</b> This creates increased risk to children and to the Council, e.g. as a result of provider failure, whilst also risks higher costs and inefficiencies due to lack of competition.	An assessment by Commercial Finance has also been carried out on both providers. There are no concerns with Thornbury Nursing (Independent Clinical Services) with a recommended annual contract limit of c. £61m. Some concerns were noted regarding Bluelight, although not enough information is available to complete the assessment.
<b>Demand changes outside of projections.</b> Given the relatively recent emergence of this demand and its links to recent events e.g. COVID-19, projections may not prove to be accurate in the face of further change.	This is a call-off contract with no guaranteed value, so there would be no impact should demand fall below that projected. Should demand, and consequently spend, rise above approved levels, a separate decision would be sought to reflect this.

## 7 Policy alignment and compliance

### 7.1 **Legal implications**

The value of the contract extensions is considered a key decision as it will result in the Council incurring expenditure which is significant as decided by the Council. In accordance with its constitution, this is expenditure over £500k and

it is significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in West Sussex.

The Council is a Contracting Authority as defined in the Public Contract Regulations 2015 ("PCR") and as such is governed by those regulations. The value of the proposed contract will be for eight months.

There is a risk of legal challenge to the Council in making a direct award of a contract to service providers. However, the risks have been mitigated by the undertaking of market research and discussions with other providers in the market. Due to the urgency and statutory nature of these services, the risk of a challenge is considered to be minimal.

The Council will amend the existing services contract to reflect the true contract value and extend for a further 8 months.

## **7.2 Equality duty and human rights assessment**

This proposal will support the Council in meeting its statutory duties and will provide essential services for young people who are at a significant disadvantage. For example, almost half of all young men (21 and under) in custody have experience of the care system, and one third of care leavers become homeless within the first two years of leaving care. These placements will help stabilise the lives of vulnerable young people and improve their outcomes in the future. Equality of opportunity will also exist for those children with protected characteristics, for example for children with disabilities who have already been placed in these arrangements.

## **7.3 Climate change**

This proposal will create more appropriate provision in county, helping prevent out of area placements and therefore reducing emissions from staff travel.

## **7.4 Crime and disorder**

All providers with whom the Council places children are 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.

## **7.5 Public health**

This proposal supports the objectives of the West Sussex Joint Health and Wellbeing Strategy 2019-24, in particular through supporting the emotional wellbeing and mental health of children, young people and families, and through helping provide a safe and healthy home environment for children and young people to thrive in.

## **7.6 Social value**

These services will work with children and young people to help stabilise their lives and home environment, which may well be experiencing a crisis, in order to avoid further disruption and harm e.g. as a result of multiple moves between

inappropriate care placements. This in turn will be of benefit to their families and wider community.

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**Background Papers** - None