

## **Report to Cllr Russell, Cabinet Member for Children and Young People**

**November 2021**

### **Procurement of a framework for the provision of urgent and specialist support for children and young people**

**Report by Ms Butler, Executive Director of Children, Young People and Learning**

**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 short 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.

This proposal is to establish a framework for the provision of urgent and specialist support for 4 years, with the potential to extend for a further 4 years. There will be no guaranteed spend through the framework, but the estimated spend over the maximum life of the framework (4+4 years) is £8.5m.

#### **Recommendation**

The Cabinet Member for Children and Young People is asked to approve: -

- (1) The commencement of a procurement process to establish a framework for urgent and specialist support, the contract to start at the beginning of March 2022 with a duration of 4 years and the option to extend for a further 4 years.
  - (2) The delegation of authority to the Executive Director of Children, Young People and Learning to award to the framework, and any subsequent award relating to these contracting arrangements for the initial 4-year period, and to extend the framework if required.
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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 are identified. This can aid 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 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 and the need for these services is projected to continue. A separate decision has recently been taken ([OKD25 \(21/22\)](#) refers) to enable existing contracts for care services to continue in the interim period until the new Framework is established.

## **2 Proposal details**

- 2.1 The procurement of a new framework for urgent and specialist support for children and young people is proposed. This framework agreement would be for an initial 4-year period starting in March 2022, with the potential to extend for a further 4 years should the delivery and performance of the Framework be satisfactory.
- 2.2 This decision also seeks authority from the Cabinet Member to delegate authority to the Executive Director Children, Young People and Learning to award places on the Framework once the procurement process is complete, which will be the subject of a further key decision as appropriate.
- 2.3 Through procuring this framework, the Council will:
  - Provide a compliant means of responding quickly and effectively to unforeseen demand
  - Quickly provide safe and appropriate care for children and families in crisis
  - Reduce the level of risk involved in this area of spend through improved monitoring and quality assurance, decreased reliance on single providers and improved compliance
  - Increase value for money through a more strategic approach to the market not based on multiple separate waivers or informal, ad hoc spend
- 2.4 The Framework will be "open" so that new providers can join post March 2022 and will remain open for new providers to apply for a place 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.

### **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 replaces the SLFSS. Both these 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.

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

- 4.1 Advice from procurement, finance and legal officers has been sought as part of the design of the new framework.
- 4.2 Surrey County Council will be named within the framework agreement and will use it to procure urgent and specialist support. Commissioning, procurement and legal officers from Surrey have been involved in the development of the framework agreement.
- 4.3 This proposal was discussed at a virtual market engagement event on 17<sup>th</sup> June 2021, which was attended by 25 individuals from across c. 10 providers. Expressions of interest were also subsequently sought from all providers identified through market engagement.
- 4.4 Social Workers and Operational Managers were consulted, and their feedback and views were used to inform development of the Service Specification.
- 4.5 The County Council have sought feedback from children and young people who were placed in solo provision with specialist external staffing through regular engagement with our in-house residential staff who oversaw these arrangements. Their feedback has been taken account of as part of the design of this framework.

## 5 Finance

### 5.1 Revenue consequences

One of the objectives of this proposal is to increase compliance of current spend, rather than requesting any revenue budget changes to account for additional spend. There is also no guarantee of business through the proposed framework agreement. The estimated £8.5m for the full life of the framework (4+4 years, c. 1.06m per annum) is based on Council spend to date along with estimated spend by Surrey County Council under the framework.

### 5.2 The effect of the proposal:

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

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 the preferred option for the delivery of this service. Market engagement has indicated that a framework agreement with multiple providers is viable. This approach would offer flexibility and responsiveness to urgent demand with no guaranteed total value of work.

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

There are no savings 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. There may be efficiencies as a result of partnering with another local authority, thereby increasing attractiveness to potential bidders, and increasing competition, which may then influence pricing.

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

None.

## 6 Risk implications and mitigations

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Lack of interest from market	Partnering with another Local Authority (LA) increases the potential value of the framework. Market engagement has indicated that there is sufficient interest in this proposal to make it viable. There is also the opportunity to work with providers of non-urgent/non-specialist support to develop their skill set e.g., those on the existing Family and Community Support Framework and enable them to consider applying to join this Framework too.
Exposure to provider failure / other risks through over-	Through market engagement and links with other LAs, multiple providers have been identified outside of those with whom the

Risk	Mitigating Action (in place or planned)
reliance on single/small number of providers	Council has previously done business. This will also be further mitigated through partnering with another LA.

## **7 Policy alignment and compliance**

### **7.1 Legal implications**

The value of this procurement 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.

### **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, 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, to avoid

further disruption and harm e.g., because 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