

Cabinet – 16 March 2016

West Midlands Regional Foster Care Framework

Portfolio: Councillor Hughes, Care and Safeguarding

Related portfolio: N/A

Service: Children's Commissioning – Independent Fostering Agencies

Wards: All

Key decision: no

Forward plan: no

1. Summary

- 1.1 Cabinet (10th September 2014) approved authority to join **West Midlands Regional Foster Care Framework** to be in place from 4 April 2016.
- 1.2 Following Birmingham City Council's completion of a competitive tender process, this report seeks delegated authority for the Executive Director Children's Services to award spot purchase call off contracts under the West Midlands Regional Foster Care Framework ("the Framework").
- 1.3 The Framework will last for two years from 4 April 2016, with the added provision to extend for an additional two years from 4 April 2018.
- 1.4 There are sixty eight Independent Fostering Agencies (IFAs) meeting the threshold for award to this Framework. The new Framework contracts will not impact on any specific wards in the borough of Walsall but will allow all eligible children across the borough access to a range of foster placements within the region. Of the current thirty four IFAs the Council has individual placements with; six will not be part of the Regional Foster Care Framework and will remain at the spot purchased price.
- 1.5 Purchasing services under the Framework represents better value for money than the current contracting arrangements as the eligible current placements will transfer to the new framework rates, which are lower than the current prices.
- 1.6 The local commissioning intention is to procure services within a competitive foster care market where quality has been pre-measured and evaluated and rates have been capped by age of child for the lifespan of the Framework. This will allow more accurate forecasting of cost based on the pattern of demand and analysis by age group.

- 1.7 Statutory Guidance (Children Act 1989 s.22G) requires Local Authorities commissioning to include managing social care markets to maintain diverse supply of high quality service providers to meet the needs of looked after children. The fundamental challenge is that the greater the need of the young person, the greater the likelihood that a specialist provider at regional or national level is required. Walsall Council aims to place children within its Local Authority where this is reasonably practicable and where it is consistent with a child's needs and welfare, but recognises that this is not always the possible and that, on occasion, specialist placements outside the borough will be needed to best meet needs.
- 1.8 The Framework will have a positive impact on the Council's Looked After Children (LAC) Sufficiency responsibility which requires the local authority to secure sufficient accommodation within the authorities area. Alongside local in-borough provision, this Framework will support LAC closer to home by facilitating them remaining within the region wherever possible when there is no local placement possibility.
- 1.9 As of 25 January 2016, Walsall Council has 174 Independent Foster Placements that will need to be reviewed for transfer to the new framework.

2. Recommendations

- 2.1 That Cabinet approve award of spot purchase call off contracts under the West Midlands Regional Foster Care Framework, for an initial term of two years, to commence service delivery from the 4 April 2016 to 3 April 2018, with the option to extend the initial term by up to a further two years, from 4 April 2018.
- 2.2 That Cabinet delegate authority to the Executive Director of Children Services, in consultation with the Portfolio Holder of Children Services, to enter into spot purchase, call-off contracts with providers under the West Midlands Regional Foster Care Framework for the provision of foster care services, by using the most appropriate procedures and to subsequently authorise contracts or other related documents for such service.

3. Report detail

The Procurement Process

Implementing the West Midlands Regional Foster Care Framework

- 3.1 Previous regional fostering arrangements which Walsall Council participated in ceased on 31 March 2015. In August 2015 Birmingham City Council led the regional procurement process resulting in Birmingham City Council's award of the West Midlands Regional Foster Care Framework, commencing on 4 April 2016. This tender exercise was conducted in accordance with the Public Contracts Regulations 2015.

The Table below shows the timeline taken from the issue of tender documentation:

EVENT	DATE
Commencement of Tender by issue of the Invitation To Tender 'ITT'	12/10/2015
Clarification Period	12/10/2015 to 05/11/2015
Deadline for submission of the Tender application	12/11/2015
Result notification following call in - start of standstill period	22/02/2016
End of standstill period	03/03/2016
Anticipated Contract Commencement Date	04/04/2016

- 3.2 The Council participated in the regional process for this tender from the outset and was named in the tender documentation and OJEU notice dated, 15 October 2015, which stated 'The contracting authority (Birmingham City Council) is purchasing on behalf of other contracting local authorities...' as named below:

Birmingham City Council, Coventry City Council, Dudley Metropolitan, Borough Council, Herefordshire Council, Sandwell Metropolitan Borough, Council, Shropshire County Council, Solihull Metropolitan Borough Council, Staffordshire County Council, Stoke on Trent, City Council, Borough of Telford and Wrekin, **Walsall Council**, Warwickshire County Council, Wolverhampton City Council and Worcestershire County Council

- 3.3 The Service Specification and the pricing schedule were developed to commission the best quality service at the best cost. The rates for standard placements and solo placements were capped at the rates shown in Tables 1 and 2 below. Although providers would not be accepted onto the Framework if their rates were in excess of the capped rates, they were able to submit rates below the cap.

Table 1 – Standard Placement Cost (A standard placement is the most usual type of placement without any enhanced or additional services and is not a 1:1 or specialist parent and child placement.)

PLACEMENT FEE COMPONENT	AGE BAND 1 0 to 4 year olds	AGE BAND 2 5 to 10 year olds	AGE BAND 3 11 to 15 year olds	AGE BAND 4 16 and 17 years old
The total non-drug related placement fee (standard cost) must be equal to or lower than the capped cost per age band in order for this tender to be evaluated	£725.00	£775.00	£867.00	£950.00

Table 2 – Solo Placement Cost (A solo placement is a placement for a child who requires constant supervision and support on a 1:1 basis meaning that they can be the only looked after child in placement – this type of placement will be at the request of the Purchaser.)

PLACEMENT FEE COMPONENT	AGE BAND 1 0 to 4 year olds	AGE BAND 2 5 to 10 year olds	AGE BAND 3 11 to 16 year olds	AGE BAND 4 16 and 17 years old
The total contracted placement fee for a weekly contract is equal to or lower than the capped most per age band in order for this tender to be awarded	£1100.00	£1155.00	£1200.00	£1205.00

The capped rates indicated above are the maximum standard and solo price for placements at each age band and are set for the first two years of the Framework.

- 3.4 Children and young people may require additional support or services as part of the foster placement. These could include access to particular therapies, psychological assessment, respite or access to support workers or education support workers within the foster home. Providers who are party to the Framework have tendered their rates for the provision of any additional support if these are required. Additional service requirements are either defined at the point of referral by the case holding Social Worker or requested as part of the ongoing review of individual placements in response to changing needs.
- 3.5 In preparation for a 4 April 2016 contract start date; a project group of regional commissioners have been coordinating the transition process in preparation for contract awards. This has included:
- Identifying existing Independent Fostering Agency placements to transfer to the Framework (approximately 89% of Walsall placements)
 - Identifying existing placements that continue at spot purchased rate (approximately 11% of Walsall placements)
 - Amend Individual Placement Agreements transferring to the Framework to confirm new capped costs and any discounts (siblings)
 - Review Individual Placement Agreements to identify additional expenditure arrangements to ensure value for money (transport, contact, etc)
 - Establishing the implementation arrangements to ensure continuity and smooth transition of existing service provision
- 3.6 The Framework requires each Local Authority party to the Framework to implement their own call-off contracts with providers.

- 3.7 Each Local Authority is independently responsible for the conduct of its award of Contracts under the Framework and required to abide by the contract(s) and framework process.
- 3.8 The West Midlands Placements database is being redesigned to act as the main tool for sourcing placements. It is intended to incorporate a tracking system which ensures that each Local Authority party to the Framework is using the tiered process.
- 3.9 Maintenance of service quality and value for money will be monitored and assured throughout the lifetime of the Framework by commissioning contract management, social work and Independent Reviewing Officer feedback and the attainment of young people outcomes (permanency, SDQ scores, health and wellbeing). Continuous intelligence will be shared and analysis reporting will be carried out on a regional level with local authority commissioners.

4. Council priorities

Improving safeguarding, learning and the life chances for Children and Young People

All commissioned services are explicitly designed to deliver this priority by putting the life chances and outcomes of vulnerable children at the centre of planning.

Children and Young Peoples Plan 2015 / 2018 Chapter 1: Safe and Supported Safe

- a. "When support to parents is unsuccessful, children are provided alternative high quality care with a local family"

LAC Sufficiency Strategy 2014 / 2016 Recommendations to improve sufficiency and efficiency

- a. Ensure that children are placed in 'good or better' settings by working with providers to improve quality
- b. A key aim is to reduce the number of young people being placed far from Walsall by engaging with local providers to develop the market from both a quality and quantity perspective.

5. Risk management

- 5.1 The risks relating to both the procurement and implementation of the Framework have been actively assessed and managed as part of the tendering process.
- 5.2 Joining the Framework enhances Walsall Council's ability to purchase quality, value for money placements for looked after children, whose needs cannot be

met within internal foster placements, thus mitigating the risk for the Council being reliant on spot purchasing fostering placements.

- 5.3 Risks of securing poor value for money services are mitigated by having an effective and properly resourced Placement and Resources Team and a Social Work workforce able to identify LAC framework needs as early as possible so that the right placement at the right cost in the right locale can be called off.

6. Financial implications

- 6.1 Implementing the capped rates sets out in the West Midlands Regional Foster Care framework, as set out, should lead to more control on placement costs and reduce the costs for a number of existing IFA placements when transferred to the new contract. There is a saving proposal of £150k included within the 2016/17 budget associated with implementing this contract, and the reduction in costs will contribute toward this.

7. Legal implications

- 7.1 All contractual arrangements have been procured in compliance with the Public Contracts Regulations 2015 and in accordance with the Council's own Contract Rules.
- 7.2 All new IFA contracts via the Framework will be evidenced by a written call-off contract and Individual Placement Agreements, as approved by the Head of Legal and Democratic Services and shall be made under the Council's seal.

8. Property implications

- 8.1 The Framework providers will provide all required premises from which to deliver their fostering service. There are no property implications as these services are delivered by contracted providers external to any Local Authority owned property.

9. Health and wellbeing implications

- 9.1 The Council has a statutory responsibility to promote the health and wellbeing of its population. This procurement supports the Corporate Plan priorities for the Council by ensuring that these services protect and promote the health and wellbeing of all vulnerable LAC. The quality of service to be provided will contribute to reducing health and wellbeing inequalities by providing fostered children with healthy, stable life experiences, an explicit objective of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy.
- 9.2 All the services provided under the Framework fall within the National Statutory Fostering Minimum Standards and, therefore, are specifically designed to improve the health and wellbeing of children and young people, with a primary focus on safeguarding and improving outcomes.
- 9.3 The Framework will also adhere to the objectives of the Marmot Review:
- **Give every child the best start in life – by providing care and support**
 - **Enable all children, young people to maximise their capabilities and have control over their lives – by providing stable care and support and transition to adulthood**
 - **Create fair employment and good work for all – by providing local work Opportunities, where appropriate, in those regions where fostered**

10. Staffing implications

10.1 No staffing implications have been identified.

11. Equality implications

11.1 No Equality Impact Assessment (EqIA) has been required as this service will be available to all eligible service-users and people with protected characteristics. Therefore, no major change would be required.

12. Consultation

12.1 Consultation was undertaken by regional commissioners collectively for this project and a consultation event for Independent Fostering Agency stakeholders was held as part of the tender process. In addition Walsall Children's Services hosted a specific event with residential and fostering providers as a way of engaging with the market and networking between providers and the Council.

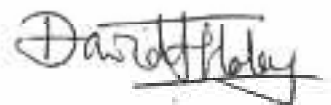
Background papers

None

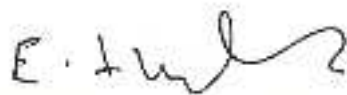
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Signatures



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26 February 2016



Councillor E Hughes
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7 March 2016