

## Cabinet – 10 February 2021

### Sub-Regional Supported Accommodation Framework

**Portfolio:** Councillor Wilson

**Related portfolios:** Not applicable

**Service:** **Children's Commissioning – Sub-Regional Supported Accommodation Framework**

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

#### 1. Aim

- 1.1 The aim of this report is to inform that the current sub regional supported accommodation Framework Agreement expires on the 11<sup>th</sup> July 2021 and to seek approval for Walsall to continue to be a member for a further 4 year term (with an option to extend for an additional 2 years, if this is required), creating a maximum contract term of 6 years.
- 1.2 This will improve the outcomes for 16 and 17 year old looked after young people in the process of leaving care and vulnerable and homeless 16 and 17 year olds supported by Children's Social Care.

#### 2. Summary

- 2.1 In June 2016 Cabinet approved that Walsall Council join the **Sub Regional Supported Accommodation Framework** from 23<sup>rd</sup> November 2016 to 22<sup>nd</sup> November 2018 with the added provision to extend for an additional one year + one year.
- 2.2 This report seeks delegated authority for the Executive Director Children's Services to enter into Call-off contracts with supported accommodation providers under the **Sub Regional Supported Accommodation Framework to be awarded in June 2021 ("the Framework")**, following Staffordshire County Council's completion of a competitive tender process.
- 2.3 The current contract expires on the 11th July 2021 and preliminary work has already begun to ensure we are able to commission the new service within timescales. The aim is to advertise the tender in January 2021, for a commencement date of the 12th July 2021.

- 2.4 The Framework will last for four years from 12 July 2021, with the option to extend for an additional two years from 12 July 2025.
- 2.5 The Framework will allow all eligible young people across the borough to access a range of supported accommodation within the region. Of the current 78 supported accommodation providers, Walsall Council has made placements with 48 different providers. Walsall Council currently spot purchases with 15 providers who are not part of the Framework and these placements will remain spot purchased.
- 2.6 The local commissioning intention is to procure services within a competitive Supported Accommodation market where quality has been pre-measured and evaluated and rates have been benchmarked by accommodation cost and an hourly support rate for the term of the Framework. This will allow more accurate forecasting of cost based on the pattern of demand and analysis by age group.
- 2.7 The Children's (Leaving Care) Act 2000 requires Local Authorities to provide a comprehensive service to all young people leaving care after age 16 and who have been looked after for 14 weeks or more. As part of the Act, local authorities must ensure Young People leaving care have access to a range of suitable accommodation options, in the case of Young People leaving care aged 16 and 17, and this accommodation should be appropriately supported.
- 2.8 The Framework will have a positive impact on the Council's Looked After Children (LAC) sufficiency responsibility which requires the Council to secure sufficient accommodation within the Council's administrative 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.
- 2.9 All young people who are currently in placements will remain in their accommodation after July 2021 with providers who are successful in their tender to join the Framework. Transition arrangements will allow for any young people placed with unsuccessful providers to either remain or move to another provider on the Framework.
- 2.10 All of Walsall Council's existing spot purchase providers that are successful in tendering to join the Framework will transfer to the terms and conditions which are prescribed by the Framework, via the call-off contracts and the new Individual Placement Agreements which the Council puts in place with each of such providers.

### **3. Recommendations**

- 3.1 That Cabinet approve Walsall Council to continue to be a member of the sub regional supported accommodation framework approach, where applicable, for 16 and 17 year old looked after young people in the process of leaving care

and vulnerable and homeless 16 and 17 year olds supported by Children's Social Care.

- 3.2 That Cabinet delegate authority to the Executive Director of Children's Services, in consultation with the Portfolio Holder of Children's Services, to enter into call-off contracts with supported accommodation providers that successfully tender to Staffordshire County Council to join the Framework.
- 3.3 That Cabinet delegate authority to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Children's Services, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services, as appropriate, including any agreement with the Staffordshire County Council to facilitate these services.
- 3.4 That Cabinet delegate authority to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Children's Services, to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of any contracts and provided they are in line with the Council's Contract Rules and relevant Public Contract Regulations 2015.
- 3.5 That Cabinet delegate authority to the Executive Director of Children Services, in consultation with the Portfolio Holder for Children Services, to extend any existing arrangements, in line with the Council's Contract Rules and Public Contract Regulations 2015, where this is required to enable a successful transition from the existing framework agreement to the new one for these services.

#### **4. Report detail – know**

- 4.1 Supported accommodation provides accommodation, typically for 16 to 17 year olds, to prepare them for their transition into independence. The Council has a statutory duty to work with housing providers to ensure that care leavers are provided with suitable accommodation when they leave the care system. This Framework Agreement is aimed to support this requirement. It will also meet the Council's legal obligation to help prevent homelessness. The Framework is aimed predominately at 16 to 17 year old's, however the Framework will cater for up to 21 year old's to help meet the requirements of the West Midlands Region.
- 4.2 Supported Accommodation providers are not regulated by Ofsted as their primary purpose is to provide accommodation and not care. Therefore, quality assurance is undertaken by commissioners from Local Authorities and Trusts, which needs to be robust given the vulnerability of the young people accessing these services. The lack of regulation of this type of provision has come under recent scrutiny. The DfE are currently out to consultation on this subject therefore this Framework will have the flexibility to change to reflect any changes to the regulations.

- 4.3 Quality can differ considerably between providers and with a high number of new entrants to the sector this provides challenges in terms of consistency in service delivery but also quality. A regional approach is aimed to address this and help improve quality across the region and sector.
- 4.4 The DfE is currently consulting on the sector, specifically around an appropriate approach to regulation and on a proposed quality assurance framework. The outcome of this consultation is likely to have a significant impact on the future commissioning of the supported accommodation market.
- 4.5 Work to recommission the Framework has been disrupted by the Covid-19 pandemic. Most notably, market engagement was postponed in March 2020 and delays to the DfE consultation. However, this has provided an opportunity to develop a regional approach and implement any DfE recommendations or changes arising from the consultation.

**The Procurement Process  
Implementing the Sub Regional Supported Accommodation Framework**

- 4.6 In June 2020 Staffordshire County Council commenced leading the sub regional procurement process which will result in Staffordshire County Council's award of the Sub Regional Supported Accommodation Framework, commencing in July 2021. The tendering exercise will be conducted in accordance with the Public Contracts Regulations 2015.
- 4.7 As this comes under the "Light Touch Regime" of Public Contract Regulations 2015, it provides the flexibility to model the Framework to meet the requirements of the participating Councils. In order to help manage the market and provide flexibility, the Framework is aiming to have the capability of opening every 2 years to allow new entrants. The proposal is to seek a Framework for 4 years with an option up to extend for another 2 years, creating a maximum contract term of 6 years.
- 4.8 The table below shows the proposed timeline from the issue of tender documentation:

<b>EVENT</b>	<b>DATE</b>
Tender Published	January 2021
Tender Deadline	30 days after publication
Evaluation of bids	April / May 2021 (4 to 5 weeks)
Notification to Award (Standstill period)	June 2021 (10 days)
Contracts issued for Signatures	June / July 2021
Contract Commencement Date	July 2021

- 4.9 The Council has participated in the regional process for this tender from the outset. The contracting authority (Staffordshire County Council) has also procured the Framework Agreement for the benefit of the other local authorities which are named below:

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

4.10 The service specification and the pricing schedule are being developed to commission the best quality service at the most competitive cost. The rates for accommodation and the hourly support rate will be benchmarked and split into the following four service categories;

- 1) Single accommodation + face to face support hours as specified
- 2) Shared 2 -4 accommodation + face to face support hours as specified
- 3) Outreach not linked to accommodation
- 4) Shared 2+ sleep in staff on site from 10.00pm to 7.00am each night, individual daytime support hours to meet the individual young person's needs. Staff to be on call to provide support if necessary.
- 5) Shared 2+ with staff on site 24/7 with daytime support hours to meet the individual young person's needs. Additional staff available to support individual young people within the community. (This is predominately the service category which Walsall Council currently purchases for our young people).

4.11 Staffordshire County Council's standard quality / price split is (80% price and 20% quality). However, given the nature of the market, the region feels it is vital that a quality service is achieved and is therefore advocating for a 40% price and 60% quality split. Without a regulatory body overseeing this sector it is felt to be the most appropriate option to obtain the best quality service for some of our most vulnerable young people. Competition will still be achieved by using a tier system so providers will be encouraged to submit their best price to ensure they are in the highest tier and therefore receive the most referrals.

All providers will have to submit a tender submission which will have to meet the following essential criteria to join the Framework:

- Correct and full submission.
- Financial checks.
- Minimum qualifications of staff (80% achieved or working towards – NVQ 3, QCF level 3 or equivalent) and 1 year experience working with young people.

4.12 Young people may require additional support or services as part of their supported accommodation placement. 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 their changing needs.

- 4.13 In preparation for a July 2021 contract start date; a project group of regional commissioners have been coordinating the commissioning and transition process in preparation for contract award. This has included:
- Amending the Service Specification
  - Procurement decisions
  - ITT Questions & Scoring
  - Transfer to new provider if needed in a planned way
  - Amend Individual Placement Agreements if needed
  - Review Individual Placement Agreements to identify additional expenditure arrangements to ensure value for money if needed.
  - Establishing the implementation arrangements to ensure continuity and smooth transition of existing service provision
- 4.14 Each Local Authority is independently responsible for the conduct of its call-off of placement contracts under the Framework and are required to abide by the calling-off process detailed in the Framework.
- 4.15 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 which calls off placements under the Framework is using the tiered process.
- 4.16 Maintenance of service quality and best value will be monitored and assured throughout the lifetime of the Framework by commissioning contract management and social work feedback and the attainment of the young peoples' outcomes. Continuous intelligence will be shared between the participating Local Authorities and analysis reporting will be carried out on a regional level with Local Authority commissioners.

### ***Council Corporate Plan priorities***

#### 4.17 **Corporate Plan 2018 -2021**

**Economic Growth** – Creating an environment where Supported Accommodation providers;invest, grow and develop in Walsall, which may also create job opportunities for Walsall residents.

**People** – Young People aged 16 & 17 living in quality supported accommodation will have increased independence, improved health, live a good quality of life and feel that they belong so that they can positively contribute to their communities

**Internal Focus** – Internal services can deliver quality supported accommodation to young people which are efficient and effective and deliver value for money.

**Children** – Young people feel safe from harm, happy, healthy and are learning well while thriving emotionally, physically, mentally and feel they are achieving their potential.

**Communities** – Young people feel connected to their community and feel safe also housing meets their needs of being affordable, safe and warm.

#### 4.18 **Placement Sufficiency Strategy 2018-2022**

**Getting placements right to support our children in care to be safe, happy and learning well - Updated January 2019**

**Children in Care Reduction Plan - to safely reduce the number of Children in Care**

**Locally placing and returning our children home – How will we do this?**

Continue our successful use of the WM Regional Frameworks (IFA / Residential / Supported Accommodation) to place within 20 miles from home.

#### **Recommendations to Improve Sufficiency**

To bring about a safe reduction in admissions and increase CiC discharges by;

For care leavers, **increased access to specialist supported accommodation** providers with specialist support workers to actively assist young people in moving onto suitable permanent tenancies (i.e. our commissioned St. Basil's Scheme).

- 4.19 All commissioned services are explicitly designed to deliver the above priority by putting the life chances and outcomes of vulnerable children at the centre of their care planning.

#### ***Risk management***

- 4.20 The risks relating to both the procurement and implementation of the Framework have been actively assessed and managed as part of the tendering process.
- 4.21 Joining the Framework will enhance Walsall Council's ability to purchase quality, value for money placements for looked after children and young people, whose needs cannot be met within internal provision, thus mitigating the risk for the Council being reliant on spot purchasing supported accommodation placements which may result in more expensive and poorer quality placements.
- 4.22 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 Supported Accommodation Framework needs as early as possible, so that the right placement at the right cost in the right locality can be called off by the Council.
- 4.23 If a regional approach is not implemented, the impact is likely to be one or more of the following outcomes:
- Leverage as a region will be diminished.

- Loss of market management if the region is not operating collectively.
- Increased prices due to greater use of spot purchases and area by area commissioning arrangements.
- Lost opportunity to increase the quality of provision across the region.

### ***Financial Implications***

- 4.24 There is no financial cost to the Council to continue to be a member of the Framework. The Framework sets the overall terms and conditions for the service - i.e. contractual terms and pricing. An individual contract is called-off once a placement is made by a Local Authority. It is not unusual for a provider to have no guaranteed minimum business or financial commitment through a Framework.
- 4.25 There are no specific cost benefits relating to the continued use of this framework. However, the framework will allow robust contracting processes and a standardised process for securing supported accommodation for young people leaving care aged 16/17. This process will deliver procedures enabling the Council to better manage stability, cost and best value consistently across the regions of the Framework.
- 4.26 Prices for the vast majority of providers has remained static over the last 4 years, therefore there is an expectation that prices may increase. However, having a regional approach will help manage this more effectively by encouraging new entrants and thus competition into the market, providing cost benefits to Walsall and other participating Councils and Trusts.
- 4.27 Over the last three years a total of 170 young people aged up to 18 have lived in supported accommodation placements, mainly with providers on the Framework as detailed in the table below:

<b>Year</b>	<b>Number of Young People</b>	<b>Average Stay in Days</b>
1 <sup>st</sup> April 2017 – 31 <sup>st</sup> March 2018	54	169
1 <sup>st</sup> April 2018 – 31 <sup>st</sup> March 2019	68	172
1 <sup>st</sup> April 2019 – 31 <sup>st</sup> March 2020	48	146

The total spend for the three years is £4.118m of which £2.481m was through the Sub Regional Framework and £1.637m was spent on spot purchased high need placements with tailored support that could not be met by the Framework.

### ***Legal Implications***

- 4.28 Staffordshire County Council will procure the Framework in compliance with the requirements of the Public Contracts Regulations 2015 and in accordance with the County Council's own Contract Rules. The relevant Notice which is to be published by the County Council in due course will be checked to ensure

that Walsall Council is named as one of the benefiting Local Authorities, so that the Council can then commence calling off the required contracts and placements from the successful tenderers.

- 4.29 All new placements via the Framework will be evidenced by a call-off contract with the provider in question and an Individual Placement Agreement.
- 4.30 The Children's (Leaving Care) Act and Regulations 2000 requires Local Authorities to provide a comprehensive service to all young people leaving care after age 16 and who have been looked after for 14 weeks or more. As part of the Act, local authorities must ensure Young People leaving care have access to a range of suitable accommodation options and 16 and 17 year olds must be appropriately supported. Joining the proposed Framework will enable the Council to comply with these requirements.
- 4.31 Securing Sufficient Accommodation for Looked After Children, S.22G The Children Act 1989 and Chapter 7, The Children Act 1989 Guidance and Regulations Volume 3, Planning Transitions to Adulthood for Care Leavers 2010, revised 2014, requires Local Authorities to do more than simply ensure that accommodation is 'sufficient' in terms of the number of beds provided. The statutory duty requires they must have regard to the benefits of securing a range of accommodation through a number of providers, which meets the wide-ranging needs of young people in line with their individual's care plan / pathway plan. Joining the proposed Framework will enable the Council to comply with these requirements.
- 4.32 The Children Act 1989 places the primary duty for homeless 16/17 year olds with Children's Services, R (G) v London Borough Southwark 2009. The Housing Act 1996, part 7 and S. 199(1) and the Homeless Code of Guidance sets out when a young person, including care leavers post 18, have priority housing need and local connection. R (on the application of SO) v Barking and Dagenham 2010 sets out that in certain circumstances the duty to support some care leavers in post 18 accommodation remains with Children's Services. Joining the proposed Framework will enable the Council to comply with these requirements.
- 4.33 The Homeless Act 2002 places a duty on Local Authorities to ensure that Children's Services and Housing departments work together to ensure that the accommodation needs of young people leaving care are met and, have priority need status, The Homelessness (Priority Need for Accommodation) (England) Order 2002. Joint working is also recommended in non-statutory good practice guidance 'Joint working between Housing and Children's Services', Department for Communities and Local Government and Department for Children, Schools and Families 2008. Joining the proposed Framework will enable the Council to comply with these requirements.
- 4.34 Children's Services will continue to work with Legal Services and the Supported Housing Team and Money, Home, Job to ensure that the Council delivers through this Framework.

### ***Procurement Implications/Social Value***

- 4.35 The procurement process will be conducted in accordance with the procurement rules which are set out in the Public Contract Regulations 2015, the Council's Contract Rules and Social Value Policy.
- 4.36 Collaborative procurement process have the benefit of shared resource, knowledge and experience however care has been taken protect Walsall Council's interest and minimise any increased procurement related risk that may be associated with such arrangements. Procurement and Legal advice has been sought to minimise procurement-related risk, however, there will always remain an inherent risk of legal challenge associated with any procurement undertaken by the Council.
- 4.37 Specific procurement advice will be sought prior to the tender documents being published and during the process as required to ensure that Walsall Council's interests are safeguarded, however as Staffordshire County Council is the lead authority, the procurement will be led by their procurement department.
- 4.38 Social value is an integral part of this contract and all tenders have been evaluated based on their ability to bring social value including employment and volunteering opportunities as part of their service delivery. The proposed successful bidders clearly demonstrated their social value through a commitment to create opportunities for local people and voluntary sector organisations.

### ***Property implications***

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

### ***Health and wellbeing implications***

- 4.40 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 Care Leavers with healthy, stable life experiences, an explicit objective of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy.
- 4.41 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 accommodated

### ***Staffing implications***

4.42 The Framework requires dedicated input from Corporate Parenting Team, Transition & Leaving Care (TLC) Officers, Placement & Brokerage Team, Legal Services, Safeguarding and Family Support, Children’s Commissioning and Finance Services.

### ***Reducing Inequalities***

4.43 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.

### ***Consultation***

4.44 Consultation was undertaken by regional commissioners collectively for this project and a virtual market engagement event was held on the 3<sup>rd</sup> September 2020 which was a great success.

## **5. Decide**

5.1 To agree for Walsall Council to be part of the 4 year (with an option to extend for an additional further 2 years, if this is required) Sub Regional Framework for supported accommodation for the West Midlands region which covers all 14 local authorities and Trusts, thus creating a maximum contract term of 6 years.

## **6. Respond**

6.1 Subject to approval of the recommendation, the decision will be implemented by continuing to be part of the Sub Regional Supported Accommodation Framework and undertake the procurement exercise alongside the other 14 Councils.

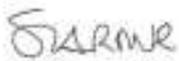
## **7. Review**

7.1 Monitoring will be undertaken by the Children’s Commissioning Team with checks being undertaken on the provider when a young person is placed, this monitoring will then feed into the regional quality assurance group.

## **Background papers**

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February 2021



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February 2021