



LEAD MEMBER FOR CHILDREN AND FAMILIES

DECISIONS to be made by the Lead Member for Children and Families, Councillor Bob Bowdler

MONDAY, 26 SEPTEMBER 2022

AT 2.15 PM (OR AT THE CONCLUSION OF THE LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY MEETING, WHICHEVER IS THE LATER

REMOTE MEETING VIA MICROSOFT TEAMS

AGENDA

1. Decisions made by the Lead Cabinet Member on 1 June 2020 (*Pages 3 - 4*)
2. Disclosures of interests
Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
3. Urgent items
Notification of items which the Lead Members consider to be urgent and propose to take at the end of the appropriate part of the Agenda
4. Children's Services Supported Accommodation Framework Call-Off Contract Extensions (*Pages 5 - 6*)
Report by Director of Children's Services
5. Independent Fostering Agency Placements Recommissioning (*Pages 7 - 10*)
Report by Director of Children's Services
6. Any urgent items previously notified under agenda item 3

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15 September 2022

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LEAD MEMBER FOR CHILDREN AND FAMILIES

DECISIONS made by the Lead Member for Children and Families, Councillor Sylvia Tidy, on 1 June 2020 at County Hall, Lewes

++ Please Note, The Lead Member took the decisions remotely++

Councillor Field spoke on item 4 (see minute 4)

1 DECISIONS MADE BY THE LEAD CABINET MEMBERS ON 7 OCTOBER 2019

1.1 The Lead Member approved as a correct record the minutes of the meeting held on 7 October 2019.

2 DISCLOSURES OF INTERESTS

2.1 There were no disclosures of interest.

3 URGENT ITEMS

3.1 There were no urgent items.

4 INTRODUCTION OF A CHARGING POLICY FOR CHILDREN WHO ARE ACCOMMODATED AT THE REQUEST OF THEIR PARENTS UNDER SEC 20 OF THE CHILDREN ACT (1989)

4.1 The Lead Member considered a report by the Director of Children's Services seeking approval for the introduction of a Charging Policy to seek to recoup partial costs in defined circumstances when a child becomes Looked After at the request of parents.

4.2 The Lead Member RESOLVED to approve the introduction of the Charging Policy set out in Appendix 1 to seek to recoup partial costs in defined circumstances when a child becomes Looked After at the request of parents.

Reason

4.3 Within a wider Council budget that is under pressure, the specific budget that supports the care of children who are Looked After continues to be very challenging. It is reasonable to expect parents to contribute to the costs for their child to be cared for when they request it and if they can afford to do so. It encourages parents not to abdicate responsibility for their child and emphasises the importance of parents continuing to be involved in their child's life. It is unlikely in reality, however, that this will generate much or any income but may act as a partial deterrent to those parents who could afford to contribute but are presently not expected to do so, or who are unwilling to do so.

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Report to: Lead Member Children and Families

Date of meeting: 26 September 2022

By: Director of Children's Services

Title: Children's Services Supported Accommodation Framework Call-Off Contract extensions

Purpose: To seek approval for 9-month extensions for 2 Call-Off Contracts under the Children's Services Supported Accommodation Framework which exceed £500k each in value.

RECOMMENDATIONS

The Lead Member is recommended to approve 9-month extensions for 2 Call-Off Contracts under the Children's Services Supported Accommodation Framework

1 Background

- 1.1 A Children's Supported Accommodation Framework (SAF) was established in 2019 and enables the commissioning of high-intensive supported accommodation for 16-24-year-old care leavers and 16-17 year old young homeless children for whom ESCC has a duty to accommodate.
- 1.2 Five Call-Off Contracts with two providers are due to expire in December 2022. These contracts do not have an allowed for extension option past December 2022. Nine-month extensions for these Call-Off Contracts under the SAF will ensure continuity of provision and stability of placements for care leavers and young people between the time the current Call-Off Contracts expire, and new contracts can be awarded under a new Children's Supported Accommodation Approved List (CSAAL) in 2023.
- 1.3 The value of two of the five Call-Off Contract extensions are over £500K each during the 9-month period.

2 Supporting information

- 2.1 Currently three providers are contracted under the SAF to provide high-intensive supported accommodation within East Sussex for our most complex and risky care leavers and young homeless.
- 2.2 Call-Off Contracts for two of the three providers will expire in December 2022. Both providers have agreed not to increase the price of placements agreed with them in 2019. Should these contracts not be extended, there would be a serious impact on the sufficiency of placements within East Sussex and a potential increase in more expensive out of county placements.
- 2.2 The Government will be introducing mandatory national standards and Ofsted-led regulation for providers of supported accommodation for looked after children and care leavers aged 16 and 17. Registration for regulation will commence in Spring of 2023, with inspections commencing from October 2023.
- 2.3 A new Children's Supported Accommodation Approved List (CSAAL) is scheduled to be launched in Spring 2023, to:
 - take into account the new regulatory requirements and ensure providers are compliant with them,
 - attract new providers to help expand and diversify the market and improve sufficiency, and

- provide greater flexibility in the types of supported accommodation that can be commissioned for care leavers and young homeless ESCC has a duty to accommodate.
- 2.4 Neither of the providers are approved on the Adult Services Supported Accommodation Approved List (ASAAL) and therefore it is not currently appropriate to call off for these contracts through that process. It is proposed that the Call-Off Contracts are extended under the SAF to sustain provision until new contracts can be awarded under the new CSAAL.
- 2.5 An Approval Request for Moderation Form has been produced to seek approval to extend all five Call-Off Contracts under the SAF. Lead Member will be required a to sign off the modification form that covers all five contracts due to the non-allowed for nature of the request. This will be issued for signature following approval of this report.
- 3. Conclusion and reasons for recommendations**
- 3.1 The nine-month extensions to Call-Off Contracts under the SAF will ensure continuity of provision and stability of placement for care leavers and young people in placement with them at the time the current Call-Off Contracts expire, without any increase in the price per placement, until new contracts can be awarded under a new Approved List (CSAAL).
- 3.2 The Lead Member is therefore asked to approve nine month extensions on two Call-Off Contracts under the Children’s Services Supported Accommodation Framework.

ALISON JEFFERY

Director of Children’s Services

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

Report to: Lead Member for Children and Families

Date of meeting: 26 September 2022

By: Director of Children’s Services

Title: Independent Fostering Agency Placement Recommissioning

Purpose: This report outlines the recommissioning arrangements for the use of independent fostering agencies for Looked After Children (LAC).

RECOMMENDATIONS

The Lead Member is recommended to:

1. approve the re-commissioning of the provision of Independent Providers of Foster Care Services through a regional Approved List (which is a hybrid between a framework agreement and DPS agreement); and
 2. delegate authority to the Assistant Director of Children’s Social Care to award providers a place on the Approved List, including all future provider applications that pass the minimum criteria.
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1 Background

- 1.1 Legislation requires Local Authorities to secure sufficient accommodation for Looked After Children (LAC), that meets their needs, and is within the local area wherever this is reasonably practicable. The Council acts as the Corporate Parent for LAC and is responsible for the provision of suitable placement options.
- 1.2 The current number of foster care placements in the independent sector and those directly controlled by the Council are shown below:

Independent Sector Placements		Council Placements	
Independent Fostering Agencies	94	In-house Foster Care	413

- 1.3 There continues to be a need to purchase foster care placements in the independent sector, and a compliant means of procuring these services is required.

2 Supporting information

- 2.1 ESCC led the commissioning of a joint framework agreement with Brighton & Hove City Council (BHCC) for the provision of independent foster care placements which commenced on 1 April 2017 and is due to expire on 31 March 2023. This was a framework agreement which re-opened for new applications after two years in 2019, and then again after four years in 2021.

- 2.2 In order to comply with the Public Contracts Regulations 2015 and the Council's internal Procurement and Contract Standing Orders, a formal tendering process must take place to procure the new Approved List (hybrid between a framework agreement and DPS agreement). In this report, 'Approved List' is used to describe an agreement between one or more contracting authorities and one or more economic operators which has been procured under the Light Touch Regime of the Public Contracts Regulations 2015. The purpose of which is to establish the terms governing contracts to be awarded during a given period. This is similar to a framework agreement under the Public Contracts Regulations 2015 but would benefit from some elements of a DPS agreement (such as the fact that it shall reopen for new applications on its second and fourth anniversary), and shall have an optional extension period of two further years meaning a total potential contract period of 6 years.
- 2.3 The use of an Approved List agreement is beneficial in that it allows the Council to 'call-off' contracts at short notice. Such a process would reduce the administrative burden and subsequent costs. Using an Approved List also takes advantage of the Light Touch Regime under the Public Contracts Regulations 2015 which enables the term length to be varied and offer the opportunity for multiple opening periods during the life of the Approved List. Approved Lists are currently used successfully by the Council for foster care, residential care, home care and supported accommodation.
- 2.4 A procurement timetable has been drawn up to enable the Council to meet the expiry deadline of the current framework agreement (see Appendix 1). A comprehensive specification is being drafted to accompany the Invitation to Tender. This will be based on the National Contract, which is a set of default standard terms used by providers and Local Authorities. This is varied according to local need and includes the NEF Outcomes Framework. There are also requirements relating to sustainability and social value.
- 2.5 It is important throughout the procurement process that the Council achieves value for money as well as having secure arrangements in place for those children requiring placements. A sound, robust purchasing and contract management system such as this would enable the Council to pro-actively manage the market and ensure best value for money is achieved.
- 2.6 The award of an Approved List itself has no financial value. However, the total current value of the contracts that would be called off by the Council under an Approved List is approximately £5,110,876 per year for ESCC and £5,600,000 for BHCC.
- 2.7 An alternative to the use of a regional Approved List would be for the Council to procure these services independently. Tendering as a sole Local Authority however, reduces the potential for sharing costs, exercising leverage and influencing in the provider market.
- 2.8 Equally, joining a Local Authority partnership outside of the Southeast region is unlikely to achieve the same level of benefits as the contract management and quality assurance functions would not operate as efficiently. Many Independent Fostering Agencies are regionally based with different Ofsted registrations for different regions.

3. National Care Review

- 3.1 The Independent Review of Children's Social Care by Josh MacAlister was published in May 2022. The review includes a recommendation to establish of up to 20 Regional Care Cooperatives, owned and managed by Local Authorities. These would be responsible for the commissioning and management of all children's placements.
- 3.2 It is not clear at this stage whether this recommendation will be taken forward, and if so, in what timescale. However, most Local Authorities are already part of joint commissioning arrangements for procuring children's social care placements but retain their own brokerage (placement finding) teams.

4. Conclusion and reasons for recommendations

- 4.1 It is necessary to re-tender these services as the current framework agreement for foster care placements will expire on 31 March 2023. In order to benefit from collaborative working with regional partners, and to build in sufficient time to carry out a fair and transparent procurement process, the process must commence as soon as possible.
- 4.2 Regional joint commissioning and procurement is considered to provide the best placement choice and value for money for these services. This is further supported by WSCC asking to be named as an additional contracting authority on the Approved List.

Alison Jeffery

Director of Children's Services

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LOCAL MEMBERS

Independent Fostering Agencies operate across the whole of ESCC therefore all electoral divisions will be affected by the report.

Appendix 1

Indicative Timetable

Fostercare Approved List

Milestone	Dates
Complete DPIA	by 30/09/2022
Complete EIA	by 30/09/2022
ESCC Lead member sign off	by 30/09/2022
Draft Specifications ready for market engagement	n/a
Market Engagement (RFI)	26/09/2022
Prepare Contract & Application Documents (contract, , specification, Application etc.) with legal input and review	01/07/2022 - 12/10/2022
PAB approval gained	25/07/2022
Children, Young People & Skills Committee approval gained	15/11/2022
Complete final draft of documents for review by legal	12/10/2022
Legal final contract and docs confirmed	16/11/2022
FTS Notice (formerly OJEU)	30/11/2022
Issue ITT	30/11/2022
Deadline for clarification questions	03/01/2023
Final Response to clarification questions	05/01/2023
Applications returned	11/01/2023
Selection stage evaluation (including Financial Appraisal)	12/01/2023-26/01/2023
Bid Evaluation (SV pass fail)	26/01/2023-2/02/2023
Financial Evaluation of submissions	Not required if 100% quality
Final award recommendation	by 9/02/2023
DMT Approval & Procurement Report approval	by 01/03/2023(w/c 13/02/23 for approval request to go in)
Issue outcome letters/ confirm award	21/03/2023
draft contracts and issue	from 22/03/2023
Contract start date	01/04/2023