

Report to:	Cabinet	Date of Meeting:	3 rd September 2015
Subject:	Northwest Leaving Care Commissioning Framework and Care and Support for Children and Young Peoples Framework	Wards Affected:	All Wards
Report of:	Head of Children's Social Care		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

Sefton purchases a number of services for children and young people through the use of purchasing frameworks. The purchasing frameworks for Care and Support and Leaving Care services are now in need of replacement and renewal respectively.

The Care and Support Framework

Sefton Council currently purchases individual packages of care on behalf of children and young people with complex and extra needs and their families. The procurement of these services takes place through a purchasing framework shared with a consortium of neighbouring authorities. This current purchasing framework and its associated contract are set to end on 6 March 2016 (in 6 months' time). As a result a replacement is required.

A scoping exercise has been undertaken in response to the above. Its aim was to establish the best means of continuing to procure these services. This exercise formed the basis of the recommendations relating to care and support made overleaf.

The Leaving Care Framework

Leaving Care services (16+) provide graduated needs led preparation for independence to young people over the age of 16 who are preparing to leave care. These services are provided through semi-independent and group living placements.

These placements are currently procured when practicable via a North West Regional Commissioning Framework, which Sefton Metropolitan Borough Council (MBC) joined in 2011. This framework, shared with 23 other North Western Local Authorities including our Liverpool City Region neighbours, is set to end on the 30th September, 2015. A renewed framework has now been developed on behalf of the region, by Tameside Council and Placements North West. The new framework contract commences on the 1st October, 2015 and will last for four years on a 2 year +1 +1 basis.

Recommendation(s)

The Care and Support Framework

1. That the Council adopts the renewal of the consortia led “regional purchasing framework” as its current chosen option in relation to the continued identification of providers of care packages for the care and support of Children and Young People with extra needs.
2. That the Sefton Commissioning and Procurement Teams be authorised to work on the development of this model, including its underpinning service specification in conjunction with their regional colleagues.
3. That the Head of Children’s Social Care be authorised to agree to the Council’s membership of the final version of this model and its underpinning service specification, and the subsequent purchase of services from providers included on the framework on behalf of Sefton Council when practicable.
4. That the use of “Spot Purchase” in relation to care packages be approved using a legally sound means of procurement as a short term contingency measure, should it be required.

The Leaving Care Framework

5. That the Council renew its membership of the Northwest Leaving Care (16+) Purchasing Framework and that it continues to procure leaving care services through this framework when practicable.
6. That the Head of Children’s Social Care and Cabinet Member - Children, Schools and Safeguarding be given delegated authority to decide on Sefton’s decision in relation to the extension of the leaving care framework at the end of year 2 and 3.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		/	
2	Jobs and Prosperity	/		
3	Environmental Sustainability		/	
4	Health and Well-Being	/		
5	Children and Young People	/		
6	Creating Safe Communities	/		
7	Creating Inclusive Communities	/		
8	Improving the Quality of Council Services and Strengthening Local Democracy	/		

Reasons for the Recommendation:

The Care and Support Framework

The option chosen was felt to be the most appropriate means of replacing the current framework arrangements with the aim of meeting the extra needs of children and young people within Sefton. A detailed description of the reasons underpinning the decision to recommend the consortium approach can be found in the main body of this report.

The consortia option will also lead to our working in conjunction with our neighbouring authorities across the Liverpool City Region. This group is currently composed of Halton, Knowsley, Liverpool, and Wirral. At this point St Helens Council is also considering joining the consortia.

The Leaving Care Framework

The current framework provides a legally sound, accountable and transparent means of finding and procuring appropriate leaving care services for young people living in Sefton. The framework comes to an end on the 30th September, 2015. These services are an essential component of supporting young people in care as they make the transition to a secure adulthood and independence. This recommendation enables the continued use of the framework in its refreshed form which will enable this process to continue. Our continued use of the framework also links us to our North West regional neighbours and area wide standards of good practice.

Alternative Options Considered and Rejected:

The Care and Support Framework

Two further options were considered as part of the initial scoping exercise associated with this document.

The first option related to the Council's spot purchasing of packages of care from the market as and when they are required. Guidance was sought from the procurement section and resulting from this, spot purchase was not felt to provide a long term legally sound means of purchasing services. However, it was identified that this approach would be legally appropriate as a short term means of purchasing care should slippage occur in relation to the development and launch of this framework.

The second option related to linking the needs of children and young people with extra care needs to the developing Adult Supported Living and Outreach Service for adults with extra needs. Whilst this option was considered to be potentially viable it was noted that the recommended consortia option contained a number of advantages, which led to it being recognised as more appropriate to Sefton's needs at this time. (This issue is discussed more fully in the main body of this report).

These options along with the consortia option were considered by the Children's Head of Service in consultation with the field work manager for Children with Disabilities. As a result the consortia option was felt to be more appropriate. This recommendation has subsequently been endorsed by the Director of Social Care and Health

The Leaving Care Framework

An alternative approach to finding leaving care services for young people would be to approach each individual case as a separate commissioned service. However, this approach would mean that the authority would not benefit from the positives associated with the renewed regional framework. Furthermore, as is the case for the Care and support Framework given the size of the annual allocated budget associated with leaving care placements this would not be a sustainable nor sound approach to procurement.

What will it cost and how will it be financed?

(A) Revenue Costs

The cost of packages of care purchased through the proposed new Care and Support Framework are included within the current Children's Service annual budget for Children with Disabilities. The amount set aside for this service is £484,400 for the 2015/ 2016 financial year. Likewise the costs of leaving care placements will be met within the existing allocated budget.

(B) Capital Costs

There are no capital costs associated with either of these frameworks.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial	
Being part of a purchasing framework agreement ensures better value for money and choice to the Council, as well as offering quality services.	
Legal	
Sefton's membership of these purchasing frameworks will provide a long term legislatively sound basis for the ongoing identification and purchase of services for the children and young people of Sefton. Furthermore, these frameworks will be readily accessible to new providers. The failure to adopt a long term legally appropriate means of procuring care services for children and young people will leave the authority open to legal challenge.	
Human Resources	
Nil	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

The framework approach represents a continuation of current practice and as a result will not impact on Service Delivery.

What consultations have taken place on the proposals and when?

The Care and Support Framework

The Chief Finance Officer (FD 3703/15) has been consulted and any comments have been incorporated into the report.

The Head of Regulation & Compliance (LD 2986/15) has been consulted and any comments have been incorporated into the report. Discussion has also taken place with the Head of children's Services, the field work manager for Children with Disabilities, the Children with Disabilities Team and the Director of Social Care and Health.

The Leaving Care Framework

The Chief Finance Officer has been consulted and any comments have been incorporated in the report. (FD 3699/15)

The Head of Regulation and Compliance has been consulted and comments have been incorporated in the report. Sefton's procurement department have also provided advice. (LD 2982/15)

Authorization has also been sought from the Head of Children's Social Care. The recommendation that Sefton MBC renew its membership of the North West Leaving Care (16+) Purchasing Framework has been endorsed and also Sefton MBC's continued procurement of leaving care services through this framework.

Implementation Date for the Decision

These decisions will become active following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting.

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Background Papers:

The following papers are available for inspection on the Council's website:

The Care and Support Framework

- No background papers included.

The Leaving Care Framework

- Tender submission Questionnaire
- Service specification
- Sefton Chief Officers Report recommending renewed membership of the framework and the ongoing procurement of leaving care services through it.
- The contracts Terms and conditions
- Letter from Tameside council included with CHEST documentation.

1.0 Introduction/Background

The Care and Support Framework

- 1.1 Children with complex needs and their families can require individual packages of support. These packages are purchased in one of two ways either by the authority through a purchasing framework or by carers themselves through the use of a Direct Payment. This section of this paper relates to the procurement of care on behalf of children and young people by the Local Authority.

Packages of care have a number of purposes. Firstly they provide additional support to parents/carers in order to enable them to carry out tasks associated with the care of disabled children and young people and/or offer short breaks and positive activities for children and young people and their families, which focus on inclusion within their own communities. Secondly the service may also support parents/carers who need support to meet the needs of their children or the objectives set out in a Child In Need or Child Protection Plan, with the aim of enabling families to remain together. Whilst finally for children and, young people with complex health needs, packages may include health care tasks as part of an agreed care plan, with appropriate oversight. This service may also include waking night support. These services do not replace any existing council provided services.

Packages are provided to children, young people and adults within their own homes, although the service may involve a worker providing support to a child or young person in their local community, for example providing support in relation to accessing community services or carrying out activities required to maximize independence in the community.

- 1.2 The Local Authority's purchase of care packages primarily takes place via a framework of contracted and approved providers. The current framework guarantees its providers first access to packages of care in return for fixed costs. It is not a block contract and care is purchased from the framework as and when required. The framework was closed to new providers when the initial contracts were awarded in 2011.
- 1.3 Sefton Metropolitan Borough Council (MBC) is part of a consortium which shares the framework. The Borough's partners in the framework are:
- Liverpool City Council
 - Knowsley Council
 - Wirral Council
 - Halton Council
- 1.4 Knowsley Council acts as the lead authority and legal entity in relation to this contract.
- 1.5 This current purchasing framework and its associated contract are set to end on the 6 March 2016 (in 6 months' time). As a result, a replacement commissioning model is required in relation to the future purchase of these services.

- 1.6 In light of the above, a scoping exercise was undertaken to identify the options available to replace the existing framework and its underpinning service specification.

This led to the identification of three options:

Option 1

Spot Purchasing of Support Packages through the North West Chest.

Option 2

Remaining part of a refreshed regional framework.

Option 3

The linking of the needs of children and young people who require extra care to Sefton MBC's developing approach to supported living and outreach for adults with extra care needs.

- 1.7 This led to guidance being sought as described above in relation to which of the options to pursue. As a result, option 2 was identified as providing the best fit for Sefton MBC for the following reasons:

1. By creating a larger regional market place, it will potentially attract a large number of potential providers to the framework which will create more choice.
2. Any provider wishing to register on the framework would have to be quality assessed prior to admission. This assessment process would be shared across the region.
3. The refreshed framework will be permeable twice a year, enabling new providers frequent access to the framework. This contrasts with the current arrangement which restricts access to every two to four years.
4. Ongoing review of provider services could be shared across the region.
5. The model envisages the development of local provider forums and the development of local as well as regional relationships between providers and commissioners. This would also enable management of the local procurement environment.
6. The model will be flexible enough to encompass different local authority approaches to purchasing and the mini tender process.
7. The model will offer a platform through which health providers can purchase services, making for increased coordination between health and social care services, should they choose to opt in.
8. The model will ease some of the difficulties related to transition by asking providers to be able to provide care up to the age of 25. This age will also link the service to the SEND age ranges.
9. The model is flexible enough to allow for local responses to pricing.
10. The framework will provide a legislatively sound approach to the procurement of services.
11. The regional nature of this project will link its to development to a range of experienced children's commissioning managers spread across the region.

- 1.8 It should be noted that this model represents a continuation of a current means of procuring services and does not involve any reduction to the quantity of, or access to these services. Furthermore, the breadth of service user need provided for remains the same.
- 1.9 Our co-members in the proposed consortium are Halton, Liverpool, Knowsley, Wirral and potentially St Helens.
- 1.10 Option 3 was also explored and felt to be a viable approach. However, when the options were compared, option 2 was felt to be more advantageous at this time. It was noted that option 3 would not enable cross working across the region. Furthermore it would not enable Sefton to draw on the experience of other specialist children's commissioners within the local area, in relation to the development of the framework and its accompanying service specification. It was also noted that potential existed for this approach to attract providers whose primary emphasis relates to adult care provision whilst having a lesser degree of experience in relation to the support of children and young people. Finally, option 2 provides an opportunity to share resources in relation to the maintenance and management of the framework with our neighbours which option 3 does not.

The Leaving Care Framework

- 1.11 Leaving Care services (16+) provide graduated needs led independent preparation for young people over the age of 16 who are preparing to leave care services. These services are provided through semi-independent and group living placements. These placements are currently procured via a North West Regional Commissioning Framework, which ends on the 30th, September, 2015. This framework is shared with 23 other North Western LA's including our Liverpool City Region neighbours.
- 1.12 A renewed framework has now been developed, on behalf of the region, by Tameside Council in conjunction with Placements North West. Approval is sought to maintain our membership of the new framework and our continued use of it as a means of procuring leaving care support in a legally appropriate manner. The new framework contract commences on the 1st, October, 2015 and will last for four years on a 2 year +1 +1 basis. This means that the contract is initially for two years with the ability to renew it for a year at the end of year 2 and year 3.
- 1.13 Sefton Council will contribute to the decision to renew the contract at year 3 and 4. The Borough's head of children's services will be notified of the potential renewal. The head of service will then take their view to a regional strategic leads meeting and in combination with their fellow heads of service, who use the framework, make a joint decision in relation to extension.
- 1.14 It should also be noted that the council has the opportunity to choose to cease use of the framework at any point should it fail to meet the needs of Sefton, and look towards developing another legislatively sound means of obtaining leaving care service's for its young people.
- 1.15 Tameside council will act as the contract holder and main legal entity in relation to this framework and the contract has been assessed by Tameside's legal and

procurement services in order to ensure its legislative compliance. The authorities that then utilise the contract will take part as named participants within the contract. The approach whereby one authority acts as the contract holder is a common approach to shared regional framework development and matches the process underpinning all of the framework agreements currently utilised by Sefton and its neighbours to procure services. Sefton's legal services have been consulted in relation to this report with a view to verifying the frameworks legality

- 1.16 This replacement framework aims to offer a Leaving Care/Independent Living Service for looked after young people where they can be supported to acquire necessary skills in preparation for living independently. They need to be supported to experiment safely with their increasing freedom and develop responsibilities associated with adulthood, whilst still having the appropriate level of support from an experienced and qualified staff team. The service will enable young people, via the support delivered, to move on from a permanent, full time care setting and increase the likelihood of them maintaining future accommodation resources.
- 1.17 It will accomplish this by inviting quality assessed providers of semi-independent/group living, floating support with accommodation, and floating support services to tender for inclusion on the replacement framework.
- 1.18 The replacement arrangement will take the form of a Dynamic Purchasing Framework which introduces a number of improvements when compared to the current traditional framework.
- 1.19 The differences are that:
- Entrance to the framework will be based on quality.
 - New providers will be able to enter the framework (dependant on quality) every four months during the life of the contract.
 - The authority will not be bound by any regional pricing schedule and Sefton will be able to negotiate its own prices for services based on our local market.
- 1.20 The system and procurement processes that surround the current framework will not require significant change and will be based on a mini competition process facilitated by the framework.

2.0 Financial Implications

- 2.1 The membership of these frameworks will provide a legislatively sound basis for the ongoing identification and purchase of care and support and leaving care services for the children and young people of Sefton. Furthermore, they will be readily accessible to new providers.
- 2.2 These frameworks will also enable Sefton to negotiate its own prices in relation to its purchase of leaving care services, set against the needs of its young people leaving care and local conditions. This will enable Sefton to ensure that it achieves the best possible mix of quality and price.

3.0 Procurement Method

The Care and support Framework

- 3.1 Procurement via the consortia model is planned to take place through a Dynamic Purchasing system (DPS). This is similar to the current framework but differs in a number of key areas:
- Unlike the current framework, a DPS would enable new providers to enter every six months.
 - Entry on to the DPS will be based on quality not price. This will be assessed based on individual provider responses to a quality assessment framework contained within the Invitation to Tender (ITT) associated with the framework.
 - Each authority will be able to set its own prices in relation to the work requested of providers, located on the framework, using its own procedures.
 - The DPS will act as a flexible means of procuring care services. The service procured will remain a matter for each local authority based on its internal working practices. For example. Authority “A” may purchase a person centered service which hands the package and outcomes to the provider with no local authority involvement in describing how the outcome will be met. Conversely, authority “B” might purchase a service which still involves the local authority in establishing the means by which an outcome will be met.
 - This proposal has the potential to enable differing responses to the mini tendering process.
 - Sole traders will be able to enter the framework, providing they comply with the relevant business related legislation and meet the framework’s quality standards.
 - The model will offer a platform through which health providers can purchase services, making for increased coordination between health and social care services should they choose to opt in.
- 3.2 Entrance on to the framework is set against a quality questionnaire and minimum specification. The specification covers all the groups currently provided for and does not represent a diminution of service. It should also be noted that if a current provider chooses not to enter the framework, the package of care they provide will continue for as long it remains appropriate, to minimize disruption to those using the service.
- 3.4 In practice the framework will provide a means of identifying children and young people’s specific support needs to a group of quality approved providers. Providers can then respond if they feel able to meet these needs. These responses can then be evaluated using a mini tendering process with the most appropriate provider being chosen.
- 3.5 Potential providers will be invited to join the DPS framework every six months via a tendering process advertised through the North West Chest. Potential providers would then be assessed for entry on to the chest via a series of quality questions

and their ability to meet the tenders associated service specification. This would then lead to the issuing of a contract by the lead authority (Knowsley) which would enable the provider to trade with all the named members of the framework.

The Leaving Care Framework

3.6 The contract associated with this framework is for 3 service types:

- Semi-independent / Group Living:
 - Services offering a group living communal environment with staff on site to deliver programmes of support, dependant on individual needs, to enable young people to progress towards living in their own accommodation.
- Floating Support with Accommodation:
 - Community based accommodation services with floating resettlement support, sourced within the private rental market and supported by one to one staffing of varying levels, to achieve the aim of the young person moving to independence
- Floating support:
 - Community based services providing floating/resettlement support to enable young people to live semi independently in their own accommodation

3.7 The procurement process in relation to these services has been carried out on an open basis through the North West Chest using the aforementioned Dynamic Purchasing System. As a result potential providers have been invited to respond to a service specification covering the above areas via a tender submission questionnaire. The questionnaire covers a range of key quality indicators. Sefton MBC is taking an active role in the evaluation of providers who responded, with both operational and strategic staff, working with colleagues from across the region to assess the submitted tenders for inclusion. Entrance to the framework will follow a successful application.