



## London Borough of Enfield

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<b>Report Title</b>	Authority to Procure for a Framework Agreement for the provision of 16+ supported accommodation for looked after children and care leavers
<b>Report to</b>	Cabinet Member for Children's Services, Cllr Abdul Abdullahi
<b>Cabinet Member</b>	Cabinet Member for Children's Services, Cllr Abdul Abdullahi
<b>Executive Director / Director</b>	Tony Theodoulou – Executive Director, People
<b>Report Author</b>	Ram Ramasubramanian – Head of Access to Resources Integrated Services
<b>Ward(s) affected</b>	All
<b>Key Decision Number</b>	KD 5702
<b>Classification</b>	Part 1

### Purpose of Report

1. The Council provides supported living accommodation services to enable young people to successfully transition from being a looked after child to becoming a care leaver and then on to living independently.
2. Approval is sought to undertake a procurement process to appoint suitable providers via a Council let Framework Agreement for a range of supported living accommodation for Enfield looked after children and care leavers.

## Recommendations

- I. To agree the commencement of a procurement process to establish a multiple-provider Framework Agreement for supported living accommodation for looked after children and care leavers over the age of 16.
- II. To delegate authority to the Executive Director (People), in consultation with the Lead Cabinet Member, to approve the award of the multiple-provider Framework Agreement, the contract to all successful providers for an initial term of three years with an option to extend the term by one year., with no volume or any form of exclusivity guaranteed to the providers appointed under the resultant framework agreement.

## Background and Options

3. The existing Supported Accommodation Framework Agreement includes accommodation and one-to-one key worker support for young people leaving care to enable a smooth transition into independent living as an adult. It supports the duty of the local authority to provide services, including the provision of suitable accommodation, to Relevant and Former Relevant children up to the age of 21 (or 25 if in education, employment or training).
4. Current provision is varied across the borough in terms of need, quality, and models of service delivery. Enfield places the majority of its care leavers in borough but additional and out of borough placements are spot purchased as required.
5. The main objective of the Framework Agreement is to ensure Enfield's care leavers are placed in a safe and suitable supported living accommodation and one which represents best value to the Council. The accommodation will provide young people with the understanding and the life skills required to move on to independent living in the community when appropriate.
6. It has been also recognised that adding an option where the providers will be incentivised financially to support the young person with claiming Housing Benefit or Housing Element of the Universal Credit could make significant savings for the Council.
7. There are circumstances where it is not possible for a care leaver to be placed in supported accommodation using the current Framework Agreement. This could be due to the lack of capacity in borough. In addition, there could be safeguarding issues preventing a young person from remaining in borough or locally where the majority of the placements within the framework are, or if a

young person was placed in care out of the area, they may wish to remain in the area after leaving care.

8. It is recommended that the newly created Framework Agreement is established to commission additional supported living placements out of area as this would replace spot purchasing out of the framework at a high cost.
9. The replacement Framework Agreement would include a core of supported living providers and establish the underlying standards and service specification for all placements commissioned through it under the relevant Lot. It would also fix the unit costs from each provider, which would be submitted as part of the procurement process used to establish the Framework Agreement. The Access to Resources Integrated Service (Placements Team) would subsequently 'call off' placements for individual young people, specifying any particular requirements to tailor the service to their needs.
10. It is recommended that the weekly fees will increase in year 3 of the contract by £50. This is to ensure that Enfield remains competitive in the market for Providers to deliver the required service to our care leavers over the three-year period. Increasing the price at Year 3 would also mean that Providers are not spreading the cost from Year 1, effectively costing the Council more from the inception of the contract.
11. To note that following the award of the Framework Agreement under the delegated authority under II, there will be no volume or any form of exclusivity guaranteed to the providers appointed under the framework and that the call off contracts under the framework agreement will be awarded by the Service Area in accordance with the relevant scheme of delegation

### **Preferred Option and Reasons for Preferred Option**

12. Providing supported accommodation and support is an obligation under the Leaving Care Act 2000 for those care leavers over the age of 18 and those 16-17 year old who are looked after, it is therefore not viable to have no service at all.
13. There are no alternative options to procuring externally, as the Council is unable to provide such an extensive specialist service.
14. The current multiple-provider Framework Agreement has proved to be successful in securing good quality supported accommodation services for care leavers. By procuring a replacement Framework Agreement, it will enable the Council to continue the work already undertaken, while allowing the flexibility to procure from current, new and/or specialised providers.
15. The advantages of procurement of providers via a Framework Agreement include:
  - Multiple providers can be appointed
  - No form of exclusivity or volume is guaranteed

- It can be divided into distinct elements (via Lots)
- Ability to award call-off via mini competitions or direct award as appropriate
- Working with multiple framework providers, it provides Access to Resources Integrated Service and the Leaving Care Team to build a more collaborative working relationship. This improves outcomes for young people over time by encouraging more efficient resolution of issues.
- It provides a more robust approach to quality when commissioning placements, as consistent standards, established terms and conditions are set out in the Framework Agreement and call-offs prior to commencement
- Call-offs provide choice and flexibility for commissioners when identifying the most suitable placements for individual young people.
- It allows better management of costs and budgets as unit costs are set through the procurement process

### **Relevance to Council Plans and Strategies**

16. The Enfield's Placement Sufficiency Strategy 2021-2026 and the Commissioning Framework 2020-2025

### **Financial Implications**

#### **FI23-0147**

17. Based on the pricing schedule outlined in Appendix 1, the estimated cost impact of this procurement is £157K, based on the current semi-independent client portfolio and assuming that only new placements will get the new increased rate.

If the existing placements also move to the new rate, the cost pressure would be £475K.

Because of other cost challenges the service faces, it is recommended to apply the new rate only to the new placements.

18. The overall external care purchasing budget received an increase of £1.9m through MTFP in 2024-25. But, given the higher demand assessed in January 2024, this budget increase may not be enough. Therefore, more work will be needed to establish how the new pressures will be funded, including the increased cost of semi-independent accommodation. However, if the proposed procurement does not go ahead, it would mean going back to spot-purchasing, which could lead to more costly arrangements.

19. Year 3 uplift, specified in Appendix 1, is estimated to cost £145K and the funding will need to be identified during MTFP process. The report also proposes to introduce an option where the providers will be incentivised financially to support the young person with claiming Housing Element of the Universal Credit, which could make significant savings for the Council. However, it would be difficult to predict the uptake of this option by the providers at this stage.

## Legal Implications

20. Local authorities have a duty under s.20 of the Children Act 1989 to accommodate children in certain prescribed circumstances. Children who have been accommodated for at least 24hrs become looked after. Children who have been looked after for at least 13 weeks, whether as a result of being accommodated or under a care order, are entitled to a range of services which can include accommodation. In addition, local authorities owe various duties and powers to young people who have been looked after. This may include accommodation for 18 to 21 years to the extent that their welfare, educational or training needs require it. The power to help with accommodation can extend beyond the age of 21 if the young person is pursuing a programme of education. There is also a duty to provide care leavers in full-time higher education or residential further education with accommodation during vacation if their term-time accommodation is not available. The Care Planning, Placement and Case Review (England) Regulations 2010 allow local authorities to place children out its area but only if the requirements in paragraph 11 of the Regulations are met. Any placement decision out of borough can only be made by a senior officer who has been nominated in writing by the director of children's services for the purposes of the regulations. Pursuant to S.111 of the Local Government Act 1972, the Council may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of the Council's functions. The recommendations in this report are in accordance with these powers.
21. The proposal is to set up an above threshold light touch services framework (the current threshold being £663,540 inclusive of VAT). Accordingly, the Council must ensure compliance with the Public Contracts Regulations 2015 (PCR 2015) and its Constitution (in particular, its Contract Procedure Rules (CPRs)) in the procurement exercise by running a competitive procedure to set up the framework. The Service department should be mindful that the Procurement Act (PA 23) was enacted in October 2023 and it will apply to all procurements commenced after the go-live date (currently October 2024). Should the procurement exercise commence after the go-live date of PA 23, the Council must ensure compliance with the PA 23 in the award and management of the framework agreement and call off contracts.
22. The framework agreement and call off contracts must be in a form approved by Legal Services on behalf of the Director of Law and Governance and the framework agreement must be executed under seal. The Service Department has engaged Legal Services to advise on the procurement. Relevant advice will be provided throughout the process on both the procurement and form of contract.

23. The Council must ensure that it complies with its obligations regarding best value in accordance with the Local Government Act 1999. The Council is also required to act in accordance with the Public Sector Equality Duty under section 149 of the Equality Act 2010 and have due regard to this when carrying out its functions in the delivery of the services recommended in this report.
24. The Key Decision process under the Constitution must be followed for the framework award decision as the value of the framework is above the Key Decision threshold of £500,000.

### **Procurement Implications**

25. It is expected that any procurement to create the replacement Framework Agreement will be undertaken in accordance with the Council's Contract Procedure Rules (CPRs) and the applicable procurement regulations. This procurement project will be taken through the Council's Procurement Services Assurance Process. Therefore, a Gate 2 (Procurement Strategy) Report shall be presented for endorsement prior to procurement launch.
26. At the end of the sourcing process, authority to award the Framework Agreement will be sought in line with the CPRs and Council's Governance. The Service Area shall ensure this procurement activity takes place via the Council's e-Tendering portal and will be promoted to the Council's Contract Register, and the upload the executed Framework Agreements.
27. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements. The Service Area can contact Procurement Services via: [procurement.support@enfield.gov.uk](mailto:procurement.support@enfield.gov.uk) for any support.
28. As the Framework Agreement is valued over £100,000 the CPRs state that the agreement must have a nominated contract owner in the Council's e-Tendering portal.
29. As the Framework Agreement is valued over £500,000 the CPRs state that the agreement must have a nominated Contract Manager in the Council's e-Tendering portal and there must be evidence of contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment uploaded into the Council's e-Tendering portal.

### **Equalities Implications**

30. Please see attached EQIA

### **HR and Workforce Implications**

31. There are no workforce implications for the approval of this report to extend the current contract.

### **Environmental and Climate Change Implications**

32. There are no Environmental and Climate change considerations for the approval of this report to extend the current 16+ supported accommodation services

### **Property Implications**

33. The services in question relate to placements for young people in the contract provider's own private accommodation. The Council is not responsible for ongoing repair and maintenance for these premises. No new property implications therefore arise, however, the Council will want to ensure that the provider is adhering to all property-related compliance obligations to ensure the properties are safe to occupy.

### **Safeguarding Implications**

34. All Providers on this contract are subject to an annual Quality Assurance visit along with other announced and unannounced visits, from the Access to Resources and Integrated Service. This will be in addition to the statutory visits from social workers, personal Advisors and Independent Reviewing Officers (for under 18s).

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### **Appendices**

Appendix 1 - Costs  
EQIA

### **Background Papers**

N/A

**Departmental reference number, if relevant:**