

London Borough of Enfield

[Committee Name]

Meeting Date

Subject: Award of Framework Agreement for the provision of 16+ semi-independent tender for accommodation for looked after children and care leavers

Cabinet Member: []

Key Decision: KD4940

Executive Summary

To seek the approval to establish a Framework Agreement with 21 providers who been successful in the tender to supply supported 16 plus accommodation to the Councils looked after children 16+ and care leavers.

The Framework will consist of different Lots, providing different types of accommodation to meet the needs of children 16+ and care leavers, ranging from 24 hour staffed units to units where only floating support is provided, depending on the young persons' independent skills.

Proposal(s)

To approve 21 providers and appoint them to a Framework to provide the 16+ Semi-Independent Living Accommodation Service for Enfield Looked After Children and/or Adolescent & Leaving Care Service Clients aged 16-24. List of organisations is shown within the table provided at the end of this report.

To authorise entry into all required call-off contract with the respective providers appointed to the Framework Agreement for a duration of 3 years (36 months) and to note that providers may not be used if there is no sufficient demand for the Lots they applied for and can be removed from the Framework during this period if they either (i) cannot fulfil the requirements, (ii) fail to meet the required service standards or (iii) they request to be removed.

Upon entry into the various Framework Agreements, to authorise the Council to call-off services (in accordance with the Framework rules) on an as and when basis from the respective providers and to enter into subsequent call-off contracts with such providers.

Reason for Proposal(s)

The previous framework has proved to be successful in securing good quality independent supported accommodation services for Young People aged 16 - 24. The proposed Framework will enable us to continue the work already undertaken through the previous framework while allowing us the flexibility to procure from new or specialised providers during the term of the new Framework. The previous framework lapsed on 31st December 2019 and there has been some delay in completing the new tender due to the Coronavirus impacting on all stakeholders.

[
Executive Director]

London Borough of Enfield

[Committee Name]

Meeting Date

Subject: Award of Framework Agreement for the provision of 16+ semi-independent tender for accommodation for looked after children and care leavers

Cabinet Member:

Executive Director: Tony Theodoulou

Key Decision: KD 4940

Purpose of Report

1. This report seeks approval to establish a Framework Agreement with 21 providers who have been successful in the tender to supply supported 16 plus accommodation to the Councils looked after children 16+ and care leavers.
2. The 21 providers will supply a range of supported semi-independent accommodation which will provide a wider, more cost-effective choice of placement options to meet the diverse needs of the young people.
3. The 21 Providers will provide different semi-independent services which, for the purpose of the tender, were divided into the following Lots:
 - Standard 24 hour staffed placements
 - Complex/high needs
 - 18 hour staffed
 - Night staff only
 - Therapeutic mental health
 - Female only
 - Out of borough
 - Parent & Child
 - Stand-alone flats
 - 18+ unstaffed units
 - Block book of 2 x staffed unit and 2 x unstaffed unit

Relevance to the Council's Corporate Plan

8. Where possible, young people who will receive these services will be placed within Enfield. The support they will be given will enable them to contribute to the local community and workforce. By being placed locally, they will also be supporting local businesses through shopping, entertainment and other activities.
9. Ensuring young people's participation by regular consultation on all aspects of the service and by promoting access to other available activities within the borough.
10. Listen to the needs of local people and be open and accountable by engagement with young people and the development of targeted services responsive to need.
11. Provide strong leadership to champion the needs of Enfield through representation on key local partnership boards i.e. the Children in Care Council.
12. Work in partnership with others to ensure Enfield is a safe and healthy place to live by promoting joined up working between the Community Safety team, Health, Education, Access to Resources Team (HEART) and other children services departments

Background

13. In order to improve placement choice and quality, the service requested were split into the following Lots:
 - Standard 24 hour staffed placements
 - Complex/high needs
 - 18 hour staffed
 - Night staff only
 - Therapeutic mental health
 - Female only
 - Out of borough
 - Parent & Child
 - Stand-alone flats
 - 18+ unstaffed units
 - Block book of 2 x staffed unit and 2 x unstaffed unit
14. Initially 72 providers submitted their tender application through the London Tenders Portal.
15. Scoring was split into four stages.

16. The initial stage was to look through the costings submitted and eliminate the ones which did not meet our ceiling price stated in the Invitation to Tender (ITT) These were the costs that were agreed by the People's DMT and the Strategic Procurement Board. The following table show the agreed ceiling cost:

Placement type	Proposed price on New Tender	Support hours
Standard 24 hour staffed Placement	£700	Inclusive of 5 hours support
Complex/High Needs	£800	Inclusive of 5 hours support
18 hour staffed units	£600	Inclusive of 5 hours support
Night staff only units	£500	Inclusive of 5 hours support
Therapeutic Mental health	£1,300	Inclusive of 5 hours support
Female Only	£700	Inclusive of 5 hours support
Out of Borough	£775	Inclusive of 5 hours support
Parent & Child	£900	Inclusive of 5 hours support
Stand alone flats	£400	No support hours
Block Book (Standard Placement)	£600*	Inclusive of 5 hours support
18+ unstaffed with 2 hours support	£350	Inclusive of 2 hours support
Block Book (18+ unstaffed unit)	£300	Inclusive of 2 hours support
* To be paid in advance annually (Example- £600 x 6 bed home x 52 = £187,200)		

17. After the first stage, 26 providers were eliminated, as their costs were higher than the ceiling price quoted and they submitted non-compliant bid.
18. The second stage was for a panel to score the tender application packs submitted by providers. This Panel was made up of Service Manager – Access to Resources and Integrated Service, Senior Placements Officer and Placement and Assessment Officer.
18. Following the second stage, a further 20 were eliminated as they scored less than the minimum score required.
19. The third stage was for the remaining 26 Providers to go through a robust interview process, where the Providers were asked questions by a panel of 4, which included a Leaving Care social worker, Leaving Care Team Manager, Service Manager – Access to Resources Integrated Service and the Head of Safeguarding.
20. Out of the 26 Providers, 1 did not attend the interview and 4 did not score the minimum score for the whole process. This left us with 21 successful providers (subject to passing financial viability checks).
21. For the final stage, all the successful Providers from the evaluation and interview stage were financially checked by Enfield's Finance Team to make sure that the organisations are financially viable.
22. All successful providers are aware that they must participate in our Quality Assurance programme along with mandatory training and that failure to do so could result in them being removed from the select list.

Main Considerations for the Council

23. Establishing a Framework will enable the Council to choose the best supplier to meet the needs of the child/young person, giving the Council flexibility and control over the placement. The Council will have sole discretion as to which supplier is chosen via a spot purchasing or call-off arrangement. A call-off terms and conditions will establish finance agreement, in conjunction with a purchase order, will form contractual agreement with a clear specification of the requirement included. This requirement will be reviewed on a regular basis and any variation agreed with the supplier.
24. The Framework Agreement will be reviewed in November 2022. The performance of all suppliers will be monitored and assessed on a continuous basis. Those that do not perform to the required standards will be suspended from the Select List. Should it become necessary to replace or add suppliers to the List, the same data provided and scored as part of this assessment process will be used to ensure parity and a DAR will be produced for approval to add a supplier onto the Select List.

Safeguarding Implications

25. All Providers who are awarded this 'Spot-Purchase' contract will be subject to an Annual Quality Assurance visit along with 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).
26. The Head of Safeguarding was also part of the Interview Panel, which was the final stage in selecting the Providers.

Public Health Implications

27. Early experiences can have long-term consequences for the health and wellbeing of children and young people. Around half of looked-after children in England are reported to have emotional and behavioural difficulties and looked after children are also more likely to have poorer educational outcomes than children who are not looked after. Stability and permanence are important for looked after children and young people.
26. The corporate parenting responsibilities of local authorities include having a duty under section 22(3)(a) of the Children Act 1989 to safeguard and promote the welfare of the children they look after. This includes the promotion of the child's physical, emotional and mental health and acting on any early signs of health issues.
27. Older looked after children and care-leavers are expected to take responsibility for their health and lifestyle, including diet, physical activity, oral health and immunisations. They also need support to form healthy relationships and need advice on contraception, sexual health and substance abuse.
28. As children become looked after for a variety of reasons and come from many backgrounds, it would be good public health practice to ensure that there are different types of accommodation available to this cohort that can provide appropriate living conditions and support for their health and wellbeing needs.

Equalities Impact of the Proposal

29. An equalities impact assessment is neither relevant nor proportionate for the approval of this report to re-tender for services. However, once embedded the contract and the service will be subject to the Councils programme of Equalities Impact Assessments.

Environmental and Climate Change Considerations

30. There are no Environmental and Climate change considerations for the approval of this report to re-tender for services

Risks that may arise if the proposed decision and related work is not taken

31. N/A

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

The assessment of the economic and financial standings of five organisations did not meet the requirement. This may put the continuation of these organisations at risk in the long term. However, as the said organisations have met all quality criteria and they are also current providers, it is recommended to include them to the Framework Agreement but not to appoint to provide block booking services that will need upfront financial commitment. In addition, it is recommended that the financial health of these organisations is checked each year.

Financial Implications

The table below shows the increase in gross expenditure resulting both from the increase in rates and demographic growth.

The profiling of the clients' placements under the new Framework Agreement was provided by the Service Manager - Access to Resources and Integrated Service, based on the current clients portfolio, age profile, needs and behaviour analysis. A further 2.5% demographic growth was assumed based on previous years' trend.

The demographic growth pressure is estimated at c.£219K and will be met from the demographic growth included in MTFP. The remaining pressure will be met from the maximisation of the benefits received for Care Leavers, an increase in Home Office funding for UASC and Former UASC, and a reduction in ad-hoc purchasing of support hours.

Placement Type Annual Cost (£)	Current Price	New Price	Current Framework (Est. Annual Cost)	New Framework (Est. Annual Cost) Incl. Growth	Variance
Standard Placement	£600	£700	£3,791,278	£2,700,852	-£1,090,426
Complex/High Needs	£850	£800	£258,264	£250,272	-£7,992
18 hour staffed units	N/A *	£600	£0	£218,988	£218,988
18+ unstaffed units with 2 hrs support	£300	£350	£646,465	£1,313,928	£667,463
Night staff only units	N/A *	£500	£0	£130,350	£130,350
Therapeutic Mental health	£1,500	£1,300	£140,778	£203,346	£62,568
Female Only	N/A *	£700	£0	£401,478	£401,478

Out of Borough	£800	£775	£517,572	£767,762	£250,190
Standalone flats	£350	£400	£526,221	£145,992	-£380,229
Parent & Child	N/A *	£900	£0	£140,778	£140,778
Block Book (18+ unstaffed unit)	N/A *	£300	£0	£78,210	£78,210
Block Book (Standard Placement)	N/A *	£600	£0	£156,420	£156,420
Total Cost			£5,880,578	£6,508,376	£627,798

* 'Not applicable' as this type of placement is not provided in the current framework

Legal Implications

The Council has the power under s.1(1) Localism Act (2011) to do anything individuals generally may do providing it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

Under s.111 Local Government Act (1972) local authorities may do anything, including incurring expenditure or borrowing which is calculated to facilitate or is conducive or incidental to the discharge of their functions.

The Council has compiled what is described as a 'Select List'. In procurement terms this is known as a 'Framework Agreement'. If the value of the Framework Agreement (over its contractual term) exceeds the appropriate EU threshold it will be regulated in both its compilation and its operation by Regulation 33 of the Public Contracts Regulations (2015) ('PCRs 2015') and must be advertised via an OJEU notice. The appropriate EU threshold to be applied here is **£663,540** because 'Children's Services' falls under the 'Light Touch Regime' of the PCRs (2015). If the value of the Framework Agreement falls below this threshold, the Council then shall only be required to advertise and conduct any procurement process in accordance with its Contract Procedure Rules ('CPRs').

Regulation 33 PCRs (2015) stipulates as follows:

- the term of the Framework Agreement must not be longer than 4 years;
- only those providers who have been placed on the Framework Agreement Select List at the time it was compiled, can be awarded call-off contracts
- call-off contracts must be awarded in accordance with the procedures laid out in the Framework Agreement
- if the Framework Agreement provides for further competition (to award call-off contracts) in the form of mini-competitions, all those providers eligible to provide the service under the call-off contract must be written to and invited to submit tenders, at the time of the mini competition and (mini-tender) submissions must be evaluated and awarded in accordance with the evaluation and award criteria as originally laid out in the Framework Agreement

The terms of any subsequent call-off contract must be consistent with the Framework, Agreement and it, along with any other supplementary contractual

documentation must also be in a form approved by the Director of Law and Governance ahead of contract commencement.

This report constitutes a Key Decision therefore officers must ensure Council's Key Decision process is adhered to at all times.

The Council must at all times, comply with its obligations relating to obtaining best value under the Local Government (Best Value Principles) Act 1999.

Workforce Implications

37. There are no workforce implications for the approval of this report to render for services.

Property Implications

38. It may be an option for the Council to acquire some larger domestic local properties via the Housing Gateway Limited commercial vehicle for use for semi-independent accommodation. The potential for such acquisitions would depend upon; market availability, location, suitability and price of properties, access to funding and evidence that this approach would make on overall cost saving.

Other Implications

39. There are no other implications for the approval of this report to render- for services.

Procurement Implications

Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).

42. The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.

43. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements. As this was an EU procurement this also needs to be published on the EU journal.

44. Under the CPR's a contract of this value must have a nominated contract manager named within the LTP, and this person is responsible for the upkeep of the contract information and ensure that reviews are carried out in a timely manner. That any extensions or amendments to the contract are maintained and uploaded to the LTP, along with the signed copy of the contract.

45. Contracts over £250,000 must have regular reviews carried out and evidence of these must be uploaded to the LTP; to ensure VFM through the lifetime of the contract.

46. A review of this contract to start a new procurement is recommended in 18 months' time to allow for a thorough EU procurement to replace this contract, with consideration of using a DPS, to allow for longer contracts.

Options Considered

47. There are no alternative options to tendering externally, as the Council is unable to provide such an extensive specialist service.
48. Providing Accommodation and Support is an obligation under the Leaving Care Act 2000 for those 16 - 24 year olds, leaving or preparing to leave care and also for those 16 and 17 year olds who are 'looked after children' under section 20 or section 31 Children Act 1989, it is therefore not viable to have no service to all.
49. Corporate Procurement have been fully involved in the process and have agree that the Select List model would be best suited to our requirements.

Conclusions

After a thorough evaluation, interview and financial check process, it is recommended that the following 21 organisations be awarded the Framework Agreement for the provision of the 16+ Semi-independent Living Accommodation Service for looked after children and care leavers.

S. N	Bidder name	Lots applied for and approved											
		Lot 1 (a)	Lot 1 (b)	Lot 2 (a)	Lot 2 (b)	Lot 2 (c)	Lot 2 (d)	Lot 2 (e)	Lot 2 (f)	Lot 3 (a)	Lot 3 (b)	Lot 3 (c)	Lot 4
1	Atlantic Lodge	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	Avance Care Services	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
3	Christian Action	No	No	No	No	No	Yes	No	No	No	No	Yes	No
4	Crown Social Care	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	Yes
5	Elliot Leigh	No	No	Yes	No	No	Yes	Yes	Yes	No	No	No	Yes
6	Explore Independence	No	No	Yes	No	No	No	Yes	No	Yes	No	No	Yes
7	Green Harvest Care	No	No	Yes	No	No	Yes	No	Yes	No	No	No	Yes
8	Heartwood Care	No	No	Yes	No	No	Yes	Yes	Yes	No	No	No	Yes
9	Leighview House	No	No	Yes	No	No	No	No	No	Yes	No	No	Yes
10	Neo Care	No	No	Yes	No	No	No	No	Yes	Yes	Yes	No	Yes
11	NEL Care	Yes	No	Yes	No	No	No	No	No	Yes	No	No	Yes
12	Oaktree	Yes	Yes	Yes	No	No	No	Yes	Yes	No	Yes	No	Yes
13	Outset Care Services	No	Yes	No	No	No	No	Yes	No	No	No	No	Yes
14	Pathfinder Care Services	No	No	Yes	No	No	Yes	Yes	No	No	No	No	Yes
15	Preferred Living	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
16	Progressive Mindz	Ineligible	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes
17	Right Choice	Ineligible	Ineligible	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
18	Safe Haven Services	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
19	TNS Care	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes
20	TLC Ltd	No	No	Yes	No	No	No	No	No	No	No	No	Yes
21	Urbanland Management	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No	Yes	Yes

However, it should be noted that not all bidders are eligible for every Lot they applied for as the number of providers required for each Lot has maximum limits.

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Appendices

N/A

Background Papers

There are no background papers