

London Borough of Enfield

[Operational Decision]

Meeting Date: N/A

Subject: London Accommodation Pathfinder

Cabinet Member: Abdul Abdullahi

Executive Director: Tony Theodoulou

Key Decision: KD5446

Purpose of Report

1. This report is to seek approval to participate in the London Accommodation Pathfinder project and to sign a Collaboration Agreement in relation to developing and managing this project.
2. The London Accommodation Pathfinder (LAP) is a project to develop an alternative to custody provision for young people aged 16 and 17 years in London. This is a pan-London project delivered as part of the Association of London Directors of Childrens Services (ALDCS) / London Innovative Improvement Alliance (LIIA) Pan-London Placements Commissioning Programme. The project is supported by a successful bid to the Youth Justice Board/Ministry of Justice (YJB/MoJ) which secured £1.03 million for implementation of the LAP project in Enfield, Haringey, Islington, Camden Barnet and Hackney over five years
3. The report sets out a proposed approach to the commissioning of pan-London provision for 20 children as community-based alternative to custody with Camden is acting as the lead authority and will procure on behalf of Enfield, Barnet, Haringey, Islington and Hackney as the placing authorities.
4. This provision is needed as there is currently a shortfall of suitable accommodation and support in London, resulting in London children being twice as likely to be in custody than other parts of England. Further, 78% of children in custody are from BAME (Black and Minority Ethnic) backgrounds. The custodial offer is costly and four in ten of the children in custody go on to re-offend, generating further costs for London local authorities and leading to worse longer-term outcomes for the children. This provision would address some of the shortfall, reducing costs and improving outcomes for London children.
5. The estimated total contract value of the pan-London contract for the four centres in total is £8.7m over five years. Enfield Council's contribution towards the North Central London site over five years is estimated to be £386k.
6. The LAP will provide community-based accommodation and intensive support as an alternative to custody across London. As the provision is specialist and required to be pan-London, the preferred option is to commission through an existing system. The contract is therefore proposed to be procured through the Commissioning Alliance's Dynamic Purchasing Vehicle (DPV) for Supported

Accommodation. This will mean that Camden holds the overall contract and Enfield will purchase the provision directly from the provider via a Placement Agreement. The competition will be open to over 121 providers registered on the DPV.

7. The £1.03 million grant secured from the YJB will fund the development of the project during 2021-23. This funding will also provide some support if required to cover voids in the period up to 31 March 2023. The contract has the potential to run until 31st March 2026. The voids costs will be met by participating authorities from 1st April 2023 until 31st March 2026
8. In order to secure best value, there are plans to appoint one provider under a block contract arrangement to deliver the service across London. The service will be delivered in four phases starting with the first phase in North Central London, comprising Barnet, Camden, Enfield, Hackney, Haringey and Islington. Three subsequent phases will provide for each of East, South and West London. Places will be funded by the placing local authority.

Proposal(s)

9. To grant approval to participate in the London Accommodation Pathfinder Project (LAP) and enter into a Collaboration Agreement to this effect with the London Boroughs of Camden, Islington, Hackney, Haringey and Barnet;
10. To delegate authority to officers to run and manage this project and the resultant service on behalf of the Council including receiving and spending the relevant funding according to the Council's financial policy;

Reason for Proposal(s)

11. The LAP service will provide community based accommodation and intensive support to meet the shortfall of provision in the borough.
12. On behalf of the NCL boroughs, Camden Council will procure the provision as a block contract for five years through the Commissioning Alliance's Dynamic Purchasing Vehicle (DPV) of the West London Alliance. The block contract will achieve a lower cost per placement and offers greater confidence to the market to invest in this innovative new provision. The Dynamic Purchasing Vehicle offers an approach where Camden will lead the procurement for London, but Enfield as the placing authority will directly contract with the provider via a Placement Agreement."
13. In-sourcing is not recommended for this provision as centres will need to be established in four locations across London, all of which will be outside Enfield's geographical boundaries. Additionally, specialist staff will need to be recruited and trained. Enfield does not have sufficient staff in-house with the

expertise and if staff were recruited their bases would be in the operational centres, which are all outside the geographical boundaries of Enfield.

14. Social value will be sought in line with Social value legislation. Enfield currently uses a local framework but as this is a London wide initiative, generic areas such as employment, local purchasing and the use of apprentices will be included and reported on a borough by borough basis.

Procurement Responsibility

15. The London Borough of Camden will be responsible for undertaking the procurement activity on behalf of the North Central London (NCL) region. Bids will be reviewed and scored by two panels, with moderation, an Officers Panel comprising of officers from Camden, Islington and the Youth Justice Board and the Young People's Panel comprising of young people with experience of the youth justice system. Enfield Council will make placements with the contracted provider directly and pay for its placements.

Relevance to the Council Plan

16. The proposals for the LAP are part of Enfield's Placement Sufficiency Strategy 2021 – 2026 – Decrease the number of children being remanded into care.
17. Working with the partner Councils in our sub-region to develop this alternative to custody for some of our most vulnerable children cements our stated commitments to fight inequality and the barriers it creates.
18. This ambitious programme offering accommodation alongside tailored support, exemplifies our undertaking to ensure that children will have access to provision at a critical point in their lives and a pathway that is right for them.

Background

19. Children in London are more likely to be in custody than in any other region in England. There are nearly twice as many in custody than would be expected given the size of the population. Yet, despite the efforts of many professionals across the system, custody often fails these children as nationally over four in ten go on to re-offend.
20. The UN Convention on the Rights of the Child states that 'Children and young people must only be arrested, detained or imprisoned as a last resort and for the shortest possible time.' But, as at April 2020, London had 211 children, up to and including age 18, in custody, out of a total of 749 in England and Wales. This represents 28% of the national population, in comparison to 15% which is the proportion of children in London. 98% of this group were male, with only 2% female. 78% were children from Black, Asian and Minority Ethnic backgrounds. Further, children in custody experience worse outcomes than those on alternative pathways and custodial placements are expensive for the local authority.

21. The London Accommodation Pathfinder (LAP) is a bold and ambitious pan-London project, backed by Ministry of Justice/Youth Justice Board (MoJ/YJB) funding to commission new pathways that will accommodate 16 and 17 year old children as an alternative to custody, either on remand or as an alternative to custodial sentence and with provision for resettlement. There is a timeliness to the proposal which can build on the historically low numbers of children in custody, partly as a result of Covid-19 resulting in court closures. The approach has been designed with initial market engagement with Centrepont, an experienced provider.
22. Provision would be in small units of five or fewer children to mitigate risk and the location would be carefully planned considering gang related territorial issues and other factors. The provision would be commissioned as a block through the existing Commissioning Alliance Dynamic Purchasing Vehicle (DPV).
23. YJB/MoJ have agreed a bid for this to be a national pathfinder, with £1.03 million allocated for the project from 2020 to 31/3/2023. Enfield will buy into Camden as they are the lead local authority for the bid and this paper sets out the proposed arrangements for agreement.
24. This ambitious and innovative approach will require new ways of working together sub-regionally, pan-London and the confidence of key partners, including the judiciary. The model will achieve the following outcomes:
 - Reduction in the number of children entering custody
 - Reduction in over-representation of BAME children in custody
 - Reduced re-offending rates for children on the Pathfinder
 - Reduced risk of harm to self and others and the protection of the public and victims
25. Further the model will achieve the following outcomes for children:
 - Reduced re-offending
 - Improved health and life-chances
 - Safe, suitable accommodation
 - Engagement in education, training or employment
 - Re-engagement in family where possible or supported accommodation/permanent independent living
26. The first centre will be in North Central London (NCL), which is informing three planned further centres: one in each of East London; South London; and West London. The model offers four pathways as listed below, with the initial priority on the first two pathways:
 - Planned bail application (alternative to remand in custody)
 - Community Sentence (alternative to custodial sentence)
 - Same day bail appearance (alternative to remand in custody)
 - Resettlement (support for resettlement following custody)

27. The model will offer provision for London children aged 16-17 in London, avoiding the need to send children away with detrimental impact of breaking ties with families and professional networks. The proposal will initially offer supported housing with intensive support for up to five children in Barnet for NCL, then building to four locations with five children at each, meeting the needs of twenty children at any one time. The children will benefit from integrated multi-disciplinary support services, based on a psychologically informed and trauma informed approach, within a setting that is safe and secure, providing:
- High levels of supervision, with electronic monitoring, from a multi-disciplinary team with comprehensive risk assessments
 - Mental health support and psychotherapy to address issues including trauma, emotional and behavioural needs, bereavement, low self-esteem, relationships, self-identity, mood disorders, self-harm and suicide prevention.
 - Skills and employability support to deliver traineeships, apprenticeships and tuition and qualifications in functional skills and ICT. Active engagement activities such as sport, exercise or art will offer alternative pathways to engagement. These pathways build confidence, self-esteem and group working skills as a route into learning leading to qualifications relevant to future employment.
 - Life skills through accredited programmes comprising workshops delivered in small groups or individually, focussing on essential skills such as managing your own home, money management, paying bills etc.
 - Legal support from major legal firms to address legal issues in relation to the family, welfare, immigration or employment.

Main Considerations for the Council

28. Please see report.

Safeguarding Implications

- 29 . The Children Act 1989 places a general duty on local authorities to promote and safeguard the welfare of children and to accommodate a child in specified situations.
30. Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 children may be remanded to local authority accommodation or to youth detention accommodation. Such children will become looked after by the responsible local authority. In addition, if a child aged 16 and above is convicted of an offence, a Court has the power to impose a Youth Rehabilitation Order. These orders can include a requirement that the child must stay with a specified person or in specified place during the

duration of the YRO. The proposals in this report would assist the local authority in fulfilling these legal obligations.

Public Health Implications

31. No public health implications

Equalities Impact of the Proposal

32. An Equalities Impact Assessment has been completed and concluded that there are no equalities issues which have been identified.

Environmental and Climate Change Considerations

33. Overall, a positive environmental benefit is expected as more local placements will reduce travelling costs, both for the child but also the family and other organisations.

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

34. Project specific impacts / risks, and the associated mitigation strategy are set out below.

Risk	Impact	Mitigation strategy
Delays to launch dates as a result of covid-19, local authority sign-off processes, procurement etc	Later start reduces benefits for children and impact on outcomes	Project planning in detail with contingencies and regular review by LARP
Courts do not use the new provision	Lost opportunity to reduce re-offending and improve outcomes for children	Early engagement with Court User Groups to build awareness and confidence
Appropriate accommodation not identified and established	Delays to opening centres leading to reduced impact on reducing re-offending and improving outcomes for children	Early search and identification. Barnet property identified for first phase and searches underway for remaining phases
Children and public put at risk due to poor information sharing	Risk of harm to children and the public	MoU supports appropriate and timely information sharing
Risk that LAP does not deliver provision at lower cost to public expenditure and improve outcomes	Increased cost without improved outcomes	Thorough modelling and well planned procurement reduce risk. Break clauses enable provision to be terminated early if

Risk	Impact	Mitigation strategy
		required

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

35. See above

Financial Implications

Finance Ref.: FI21-0195

- 36. The London Accommodation Pathfinder (LAP) will offer provision that is less costly than that of the Youth Offender Institution and the Secure Training Centre, with savings ranging from £20 per night to £152 per night.
- 37. The implementation cost and the cost of voids in the period up to the 31st of March 2023 will be covered by the funding secured from the Youth Justice Board.
- 38. Camden will be the lead authority holding the overall contract and Enfield will purchase the provision directly from the provider.
- 39. Enfield's contribution towards the scheme is estimated to cost £386k over five years.
- 40. There is sufficient provision within the existing budget to cover the cost. However, there might be other factors, independent of this initiative, that can put the budget at risk. Such risks include demographic pressures, a decrease in grant funding, and an increase in the number of young people who cannot be placed in the LAP provision and must be placed with other providers due to their age or other criteria. In addition, the cost implications of voids beyond 2022/23 must be considered.
- 41. The spend will be monitored as part of the Council's financial monitoring process and reported to DMT on a quarterly basis. The service will need to mitigate any arising pressures. If this isn't possible, it will be reported through the quarterly monitoring process and form a part of the Council's forecast outturn. If there is an overall adverse position, this will need to be funded by reserves in-year and might cause further pressures on the MTFP in the following years.

Legal Implications

42. The value of the contract being procured by Camden on behalf of the participating authorities is in excess of the Light Touch Regime (LTR) procurement threshold. The Council must therefore be comfortable that the procurement of the successful provider has been carried out in accordance with the Public Contract Regulations 2015, as well as in accordance with the Council's own Contract Procedure Rules.
43. The contract documents the Council is required to sign up to in order to implement the proposals within this Report must be in a form approved by Legal Services on behalf of the Director of Law and Governance. In particular, there must be robust provisions to cover the control and processing of personal data and the Council's Data Protection Officer must be consulted.

Workforce Implications

44. There will be no workforce implications for the Council.

Property Implications

45. There will be no property implications for the Council

Other Implications

Procurement Implications:

46. Any procurement must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
47. 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.
48. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.
49. Where a contract has not been procured via the LTP, then the signed contract, call off agreement and supporting DAR etc, must be sent to procurement.support@enfield.gov.uk who will create a record in the LTP and promote to contract finder to ensure the Council meets its transparency obligations.
50. The CPR's state that contracts over £100,000 must have a nominated contract owner in the LTP, and for contracts over £500,000 there must be evidence of contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment uploaded into the LTP.
51. Given the value of this agreement, strong contract management will be needed to ensure that we maximise value for money. It will be important to

- ensure that block booked beds are not empty and that this is closely monitored.
52. Given the high risk associated with the provision, proper documented contract discussions need to be made. Regular reviews of KPI's and outcomes to ensure VFM, this should not be left to Camden, to ensure that Enfield is getting VFM from the contract.
53. The use of a DPV ensures a compliant route to market. Due diligence must be carried out prior to the signing any agreement to ensure that the lead borough have followed PCR regulations, and that the DPV has been set up compliantly. It was advertised on the OJEU in February 2020 ref 2020/S032-076476.
54. The provision is commissioned through the Commissioning Alliance's Dynamic Purchasing Vehicle (DPV), as a block contract for five years, with a break clause after the period of national funding on 31st March 2023 and annually thereafter until 31st March 2026. The block contract will achieve a lower cost per placement and offers greater confidence to the market to invest in this innovative new provision. The Dynamic Purchasing Vehicle offers an approach where Camden will lead the procurement for London, but each placing authority will directly contract with the provider via an Access Agreement.
55. Camden has already signed an Access Agreement with WLA and already started the call-off process on behalf of the NCL (Camden, Islington, Barnet, Enfield, Haringey and Hackney). As the lead borough, Camden will take care of the call-off procurement process, including managing/monitoring the call-off contract.
56. The participating boroughs have to sign a collaboration agreement (draft attached) to be part of the Project and to place their respective children with the selected provider and pay the provider for their placements.

Implications provided by C E Reilly 28.03.2022

Options Considered

57. Four main options are considered:
- Option 1 – External commission by Enfield
 - Option 1a – External commission through multi-local authority partnership
 - Option 2 - Develop in-house offer
 - Option 3 – Do nothing
58. It is proposed that the Council pursue option 1a, and that the Council sign a contractual documentation (Collaboration Agreement with Camden and the other participating authorities) necessary to implement Option 1a.

Conclusions

59. It is recommended that Enfield progresses to the next stage of the procurement for the London Accommodation Pathfinder (LAP) project with a total investment from Enfield of £386k as part of the pan-London contract for £8.7m from 2021-26.

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Appendices

Background Papers

The following documents have been relied on in the preparation of this report:

Annex A – Not for publication