



## Mayor and Cabinet

### **Report title: Approval to Extend the Framework for Semi-Independent Accommodation and Support.**

**Date:** 04<sup>th</sup> November 2022

**Key decision:** Yes

**Class:** N/A

**Ward(s) affected:** All

**Contributors:** Sufficiency Strategy and Placement Lead, Head of CYP Joint Commissioning (Royal Borough of Greenwich), Head of CYP Joint Commissioning (Lewisham)

### **Outline and recommendations**

This reports seeks approval from Mayor and Cabinet to extend the joint Framework arrangements with the Royal Borough of Greenwich for Semi-Independent Accommodation and Support between the London Borough of Lewisham, to extend the individual contracts of the 24 providers under the Framework agreement for a further three months from 15/01/2023 to 31/03/2023, and the estimated spend of £629,272.41 related to the Semi-Independent Accommodation placements provided by the preferred providers.

This agreement is based on a shared approach to managing the Framework and contains no financial consideration for either party.

The Framework currently runs until the 14<sup>th</sup> January 2023. This extension is requested to allow time for LB Lewisham to put in place new arrangements, which will be the subject to a further report to Mayor and Cabinet.

Parallel action is also being taken by Royal Borough of Greenwich.

## **Timeline of engagement and decision-making**

*February 2022- ongoing – Partnership meetings with Royal Borough of Greenwich*

*21<sup>ST</sup> September 2022 – DMT discussions and approval to extend framework in line with Commissioning Alliance transition plans*

*21<sup>st</sup> September 2022- DMT discussion and approval to join the Commissioning Alliance Framework from 1<sup>st</sup> April 2023.*

### **1. Summary**

- 1.1. The current Framework Agreement for Semi-Independent Accommodation and Support is a joint agreement between Royal Borough of Greenwich and the London Borough of Lewisham with 24 service providers that both Lewisham and Greenwich can call off services from. The Framework agreement came into effect on 15<sup>th</sup> January 2019 for a period of two years (up to 14<sup>th</sup> January 2021) with an option to extend for a further two years (up to January 2023).
- 1.2. The aim of the Framework was to establish a range of placement provisions, improve outcomes of young people and care leavers, improve cost efficiency and supporting the transition into adulthood
- 1.3. This report seeks approval from Mayor and Cabinet to extend this Framework for a further three months from 15/01/2023 to 31/03/2023 and to approve the estimated spend of £629,272.41 under this arrangement.
- 1.4. The extension request is to allow time for LB Lewisham to explore options and implement the preferred option.

### **2. Recommendations**

- 2.1. It is recommended that Mayor and Cabinet approves:
  - An extension of the Framework agreement with the service providers (as set out in Appendix 1) and the contracts under the Semi-Independent Accommodation and Support Framework in partnership with Royal Borough of Greenwich, from 15/01/2023 to 31/03/2023.
  - The estimated spend of £629,272.41 related to the Semi-Independent Accommodation placements provided by preferred providers through the Framework over the three month extension.

### **3. National and Local Policy Context**

- 3.1. Under the Children’s Act 1989, Local Authorities have a duty to prepare young people in care for independence and adult life and to ensure there is sufficient accommodation.
- 3.2. The Council has legal obligations under Section 22(G) of the Children’s Act 1989 which outlines the general duty for local authorities to ensure that, so far as reasonable practicable, children in care have accommodation that “(a) is within the local authority area; and (b) meets the needs of those children.
- 3.3. The use of semi independent provisions has continued to grow as more older children enter the care system. To ensure this type of provisions delivers the best for those aged 16+ the Department of Education (DfE) will now be introducing mandatory

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national standards which will be overseen by an Ofsted-led registrations and inspection regimes.

- 3.4. The Government will call this provision “Supported Accommodation for Young People” removing the use of “unregulated” and “independent/semi-independent” provision and to provide a consistent understanding across the sector.<sup>1</sup>
- 3.5. The introduction of an Ofsted-led registration and inspection regime will promote consistency and security to all children, right up to the age of 18. Having this in place allows Ofsted and local authorities to take appropriate action to hold providers to account, uphold strong quality standards and ensure greater compliance and consistency.
- 3.6. The provision of semi-independent accommodation and support is consistent with the Council’s Corporate Strategy (2019-2023) priorities around ‘Giving children and young people the best start in life’, in particular the aims to:
  - Improve our children’s social care services to provide support for families at the earliest opportunity
  - Ensure that the children in our care are safe and supported to achieve the very best in life
  - Work with our partners to ensure that young people transitioning into adulthood achieve the best possible outcomes in relation to education, work, healthy lives and strong community connections.

## 4. Background

- 4.1. Semi-independent provision covers a wide range of supported accommodation for care leavers and children looked after who are aged 16 and over. LB Lewisham has been running a rolling select Preferred Provider Framework (PPF) for semi-independent providers since October 2013, which expired in September 2018.
- 4.2. Following a review of this framework, LB Lewisham and the Royal Borough of Greenwich carried out a competitive procurement process to commission a joint Framework Agreement which allows both Councils to deliver the national sufficiency duty from January 2019.
- 4.3. While both Councils entered into the framework agreement, Lewisham is the lead borough. Contracts were entered into with a range of providers for the provision of Semi-Independent Accommodation and Support. The Framework period was for two years, running until January 2021, with an option to extend for a further two years ending on 14/01/2023. Appendix 1 provides the full list of the 24 Framework providers.
- 4.4. The aim of the Framework was to establish a range of placement provisions, improve outcomes of young people and care leavers, improve cost efficiency and supporting the transition into adulthood.
- 4.5. The Framework allows LB Lewisham to continue to fulfil our statutory duty to provide sufficient accommodation locally for children in care, consistent with their welfare and contributing to our placement sufficiency challenges thus creating more capacity to accommodate these cohorts of young people locally.
- 4.6. The provision of this Framework contributes to the priorities within the Children and Young People’s Plan, particularly with developing and achieving young people’s

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<sup>1</sup> [Introducing national standards for independent and semi-independent provision for looked-after children and care leavers aged 16 and 17 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672112/Introducing-national-standards-for-independent-and-semi-independent-provision-for-looked-after-children-and-care-leavers-aged-16-and-17.pdf)

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transition into adulthood.

- 4.7. Semi-Independent provisions ranges from shared 24 hour on site support to independent accommodation with different levels of floating day time support.
- 4.8. These type of provisions are considered as “Other Arrangements” and “Suitable Accommodation” within the Care Planning Placement and Case Review Regulations and Guidance 2010. These provisions are for 16 & 17 year old children looked after and 18+ care leavers.
- 4.9. These types of provision are currently not regulated under the Care Standards Act 2000, however the Department of Education (DfE) will now be introducing mandatory national standards which will be overseen by an Ofsted-led registrations and inspection regimes.
- 4.10. Referrals are currently sent by social workers/personal advisors to the placements team which is then sent to providers on the framework who will then assess and complete a risk matching assessment to ensure they are able to meet the young person’s needs.
- 4.11. The service specification for the Framework places emphasis on providers proactively preparing young people for independent living. The Framework is structured around the following lots:
  - **Lot One** - Supported Accommodation: 24 hour staffed units with several young people in residence, partially staffed units that are shared and unstaffed units with outreach included.
  - **Lot Two** – Accommodation only: Accommodation that is fully compliant with all statutory regulations and health and safety checks.
  - **Lot Three** – Outreach support: Outreach support, also open to agencies that do not provide accommodation, or are only willing to provide support. A PPF spot-purchase framework for hourly support, quoted for in blocks of 5, 10 and 15 hours and/or at an hourly rate.
- 4.12. In 2020, the Government consulted on a series of proposed reforms to unregulated provisions for children in care and care leavers, which set out proposals to address concerns in this unregulated sector. The response was published in February 2021, which sets out the following:
  - To ban of placements for under-16s in unregulated provisions, effective from September 2021.
  - To support consultations with providers when introducing national standards and Ofsted-led registrations and inspections for unregulated provisions – see
  - Legislation was published to give Ofsted additional powers to take action against illegal unregistered children’s homes. Appendix 2 for the recent publication “Reforms to unregulated provision for childrne in care and care leavers”.
- 4.13. The new national standards are expected to be published by April 2023.

## 5. Rational for Extension Request

- 5.1. This request allows times for LB Lewisham to explore options and allow time to implement the preferred option.
- 5.2. Commissioners are undertaking an option appraisal for Mayor and Cabinet approval in

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January 2023. Subject to this approval, this extension is needed to implement and transition to the preferred option, as time is required to arrange training for both staff placements team and new providers, onboarding of new providers that Lewisham utilises and to inform providers under the framework LB Lewisham's new commissioning arrangements from the 1<sup>st</sup> April 2023.

- 5.3. The extension also allows LB Lewisham time to understand the implications of the planned Ofsted Inspection Framework for supported accommodation providers which will impact significantly on the supported accommodation provider market.

## 6. National Standards

- 6.1. Introducing national standards and Ofsted-regulations for this provision would increase confidence amongst local authorities, in terms of quality assurance of placements, informing action when providers are delivering inadequate services.
- 6.2. Ofsted will begin registering providers from April 2023 and will pilot inspections from this time. Autumn 2023 is the expected timeframe for the national standards to become mandatory. There will be a 6 month registration window to enable providers to register before the standards come into force. Ofsted is aiming to implement the inspection framework in April 2024.
- 6.3. As the new registration and inspection framework is still within its development phase, the Council will need to support providers when preparing for this new regime together with the DfE's provider market awareness campaign to ensure providers are ready for when the reforms take effect.

## 7. Impact of the current Framework

- 7.1. The joint partnership with the Royal Borough of Greenwich has allowed beneficial quality assurance arrangements, both boroughs are able to hold providers to account on outcomes for young people, meeting specification requirements with a key focus on quality of accommodation. Positive feedback from providers is the good communication they receive from the young people's Personal Advisors. An area of improvement is increasing networking and holding events with providers. Whilst controlling costs, the partnership approach also removes competition for placements by ensuring Greenwich and Lewisham have agreed prices in place.
- 7.2. The partnership has facilitated a series of meetings to identify what is working well and areas of development which has informed future commissioning arrangements.
- 7.3. The table below highlights the number of young people and care leavers were placed under the framework in 2020/2021, 2021/2022 and the current financial year (2022/2023).

YEAR	PPF Placements	Annual Spend	Average Per Week	SPOT Purchase Arrangements	Annual Spend	Average Per Week
2020/2021	213	£11,596,572	£1047	180	£14,999,739	£1621
2021/2022	105	£5,542,002.00	£1015	117	£9,115,429	£1511
2022/23	31* number of active placements	£2,517,089.64	£1561.47	65	£5,720,447.20	£1692.44

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	between 1 <sup>st</sup> April 22 – 31 <sup>st</sup> October 22				
<b>2022/23 (3 months extension 15<sup>th</sup> January – 31<sup>st</sup> March 23)</b>	<b>31</b>	<b>£629,272.41*</b> based on 31 active placements during this extension period	<b>£1561.47</b>		

- 7.4. The number of PPF (Preferred Provider Framework) placements for children in care and care leavers for semi-independent accommodation reduced by 51% and spot purchase arrangements reduced by 35% since the last framework extension in January 2021.
- 7.5. Compared to the last financial year to the current semi independents placements up to and including October this year, the number of PPF placements for both Children Looked After and Care Leavers has reduced by 70% and spot purchased reduced by 45%.
- 7.6. Whilst the framework has allowed for more consistent spend and control of the market throughout the contract period, it is evident that more spot purchases are being utilised which does not offer best value for money to the Council and is no longer aligned with the original intentions of this framework.

## 8. Financial implications

- 8.1. As can be seen from 7.3 above, the estimated spend related to the Semi-Independent Accommodation placements provided by preferred providers through the framework over the three month extension equates to £629,272.41. This is in line with current projections reported as a part of the financial forecast. Reverting to spot purchase arrangements could increase the projected overspend based on the current weekly average spend on such arrangements compared to those rates achieved via the framework. Being part of the framework provides some risk mitigation against the current economic challenges.
- 8.2. There are no direct cost arising from the recommendation to extend the Framework partnership agreement with Greenwich. The agreement is based on a shared approach to managing the framework and contains no financial consideration for either party.

## 9. Legal implications

- 9.1. The report seeks to extend the joint Framework for Semi-Independent Accommodation and Support with the service providers as set out in appendix 1 for a further three month period. The report sets out the reasons why this extension is proposed and that the future of the service will be considered during the extension period.

The Council is obliged to comply with the procurement Regulations (Public Contracts Regulations 2015). Some variations to existing contracts may trigger a requirement to undertake a new competitive tender process. The Council's Contract Procedure Rules set out which variations can be made without a new competitive process (Constitution Part IV I, paragraph 17 of Contract Procedure Rules).

Contract Procedure Rules say that where a contract variation is 'not substantial', the variation can be made (paragraph 17.5). The definition of 'substantial' takes into account matters including the nature and size of the proposed change relative to the

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original contract, and the likely market effect of the change (including the change to the scope and economic balance of the contract). There is a reasonable argument that the proposed extension is not substantial. As such, the variation does not trigger a requirement to undertake a new procurement. On that basis, therefore, the proposed extension is allowable under the Council's Contract Procedure Rules paragraph 17.

9.2. This is a key decision and therefore needs to be included in the key decision plan.

## **10. Equalities implications**

10.1. One of the overarching aims of these provisions is to increase independence in young people in placements through providers offering tailor made curriculums as part of their key work sessions Climate change and environmental implications

## **11. Climate change and environmental implications**

11.1. Environmental implications will be considered as far as possible within delivery of this project and within the contract.

## **12. Crime and disorder implications**

12.1. Supported Accommodation plays a role providing positive support for young people which can lead to a reduction in young people entering the criminal justice system.

12.2. As a local authority we have a statutory duty to work collaboratively with key stakeholder groups who is responsible for providing a range of support services to and within the community. Section 17 of the Crime and Disorder Act places a duty on partners to do the best they can to reasonably prevent crime and disorder in their area.

## **13. Health and wellbeing implications**

13.1. By providing high quality supported accommodation and support to 16 & 17 year old children in care and care leavers locally in the borough, this should have a direct and positive impact on their physical / mental health and wellbeing.

## **14. Report author(s) and contact**

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## **15. Appendices**

15.1. Appendix A – Framework Provider List

15.2. Please attach appendices as separate documents and list them below

- Appendix 1
- 24 providers who submitted tenders for the current contract broken down by Lot

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<u>Lot One – Supported Accommodation</u>	<u>Lot Two – Accommodation only</u>	<u>Lot Three – Outreach support</u>
ABC Housing	Bright Stars Care	CAYSH
Aden Homes Limited	CAYSH	Centrepoint Soho
CAYSH	Centrepoint Soho	Eliali MPC Ltd
Centrepoint Soho	Elliot Leigh	Jani Homes
Elali MPC Ltd	Jani Homes	Jordan Xavier Ltd
Elliot Leigh	My Life Semi-Independent Project	LCS Partnerships
Jani Homes	Preferred Living	Look Ahead Housing and Care
JEM Support Service	The Artemis Team	Moving Up Care
Jordan Xavier Ltd		My Life Semi-Independent Project
LCS Partnerships		Netpex LTD
Look Ahead Housing and Care		Ownlife Ltd
My Life Semi-Independent Project		Progressive Mindz
Netpex LTD		Step Ahead Services
Ownlife Ltd		Supporting Young Futures
Progressive Mindz		Transforming Lives Co (TLC)
Step Ahead Services		Young Futures
Transforming Lives Co (TLC)		Young People Relate
Young Futures		

## Appendix 2

Reforms to unregulated provision for children in care and care leavers. Government Consultation Response February 2021.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/962686/Unregulated\\_government\\_response\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962686/Unregulated_government_response_Final.pdf)

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