
Meeting	Cabinet Resources Committee
Date	24 June 2013
Subject	Arrangements for the provision of semi-independent accommodation to young people
Report of	Cabinet Member for Education, Children and Families
Summary	<p>This report:</p> <ul style="list-style-type: none">i) highlights current contracting arrangements within the Children's Service which need to be extended to enable the Council to continue to meet the needs of young people who require semi-independent accommodationii) seeks waivers from relevant Contract Procedure Rules to enable thisiii) seeks authority to enter into new contractual arrangements with three providers of semi-independent accommodationiv) seeks authority for procurement of a framework for accommodation for children in care and young people leaving care in 2013/14 financial year up to the value of £6,000,000v) seeks authority to enter into a new contractual arrangement with one provider of residential placements for children in care

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Status (public or exempt)

Public

Wards Affected

All

Key Decision

Yes

Reason for urgency /
exemption from call-in

N/A

Function of

Executive

Enclosures

None

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1. RECOMMENDATIONS

1.1 That the Committee:

- i) Waive Contract Procedure Rules to enable the contracts identified in section 6.10 of this report to be extended for a period of 8 months
- ii) Authorise a further 6 month extension of the contracts identified in 6.10 from 1 April 2014 to 30 September 2014, if required, to enable sufficient time to develop suitable alternative arrangements
- iii) Authorise that the Council enter into new contractual arrangements with three providers of semi-independent accommodation for a period of 8 months, with authorisation for a further 6 month extension from 1 April 2014 to 30 September 2014, if required, to enable sufficient time to develop suitable alternative arrangements
- iv) Authorise that the Council procure a framework for accommodation for children in care and young people leaving care in 2013/14 financial year up to the value of £6,000,000
- v) Authorise that the Council enter into a new contractual arrangement with one provider of residential placements for children in care for a period of 3 years

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Delegated Powers Report 2066, May 2013, approved interim extensions of semi-independent accommodation contracts until 31 July 2013, to enable Cabinet Resources Committee to take a decision on longer term provision
- 2.2 Cabinet Resources Committee, 20 June 2012, Agenda Item 12, draft approval for procurement of a framework for social care semi-independent accommodation up to the value of £6,000,000 in 2013/14 financial year
- 2.3 Cabinet Resources Committee, 28 February 2012, Agenda Item 22, Children's Service Contract Regularisation

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Providing services to vulnerable children, young people and their families is a key priority across the council and its partners. The Corporate Plan 2013-16 includes the strategic objective to support families and individuals that need it, promoting independence, learning and well-being. The provision of semi-independent accommodation to young people leaving care and unaccompanied asylum seeking young people supports both this strategic objective and the Corporate Plan outcome to create better life chances for children and young people across the borough.
- 3.2 Protecting children at risk of harm and supporting them to achieve their potential is a key aspect of the Children and Young People Plan 2013-16. The provision of appropriate accommodation which meets the needs of young people leaving care and unaccompanied asylum seeking young people

supports the Children and Young People Plan priority to ensure services are integrated to support young people as they transition to adulthood.

4. RISK MANAGEMENT ISSUES

- 4.1 The contracts with Atlantic Lodge, One Step Support Ltd, Housing Plus, Them Care, Neo Properties, Silver Birch and Purple Pebbles will come to an end on 31 July 2013. The Council needs to be able to continue to place children and young people in these placements. An inability to continue to provide these placements for these children and young people would be detrimental to some of the borough's most vulnerable children and young people.
- 4.2 Barnet has previously been working with North East London Consortium to jointly procure for the provision of a framework for semi-independent supported accommodation. However, following a lengthy evaluation process, Chief Officers in Children's Service Barnet took a decision to proceed without accepting the North East London Consortium framework due to significant increased costs involved in commissioning semi-independent accommodation from the framework rather than independently through Barnet Children's Social Care Placements Team. The extension of Barnet's current contracts with providers of semi-independent accommodation seeks to provide continuity of service provision for the young people in placements with these providers. The Council will continue to ensure that all providers, both existing providers and new providers, remain compliant with all relevant and appropriate standards in terms of their service, quality, policies and procedures.
- 4.3 There is a risk that although Barnet is proceeding without accepting the North East London Consortium tender, the semi-independent providers with whom Barnet has current contractual relationships may seek to increase their prices, to reflect the pricing schedules contained in the North East London Consortium tender. Appropriate actions will be undertaken to mitigate this risk, including meeting with providers to discuss the terms of Barnet's contracts and to negotiate levels of cost and quality that are appropriate to meet the needs of Barnet's young people.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Under current Equalities legislation the Council and all other organisations exercising public functions on its behalf are required, when exercising such functions, to have due regard to the need to: i) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010; ii) advance equality of opportunity between those with a protected characteristic and those without; iii) promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.2 Them Care, Neo Properties, Silver Birch, Purple Pebbles, Atlantic Lodge, One Step Support Ltd, Housing Plus, Allison Lodge, Oak Tree Care Services and Bridging the Gap are providers of semi-independent and supported accommodation for young people leaving care and unaccompanied asylum seeking young people. Tabularasa is a provider of residential placements to

children in care. These providers deliver services to young people of all faiths and cultures and are committed to ensuring that there is equality of service provision to all to enable this cohort of young people to have a supported and positive transition into adulthood. The ongoing monitoring arrangements with these providers ensure that the service provision meets the diverse needs of Barnet's children and young people.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

Procurement

- 6.1 For every social care placement that is made a placement will be sought with Barnet foster carers. If this does not meet the needs of the child, quotes are requested, first and foremost with external providers with whom we already have a contractual relationship. For a foster placement, a referral would be made to a minimum of five providers. For a residential children's home, a minimum of two referrals will be made to providers who are deemed able to meet the needs of the child. For residential family centre placements, a minimum of two referrals will be made or as directed by court. For a planned semi-independence placement, a minimum of two referrals will be made to providers who are deemed able to meet the needs of the young person.
- 6.2 The Council currently has an approved framework agreement in place, the London Care Placements Framework, which contains a number of providers of services for Children's Social Care, covers Independent Fostering Agencies, Residential Children's Homes, and a number of Residential Family Centres. Where providers on this framework are not able to provide a suitable placement to meet an individual child's needs, or where a decision has been taken outside of Barnet's control, for example directed by a court or a Children's Guardian, relevant authority will be sought to enter a contractual relationship with a new provider. All placements are made with the appropriate due diligence and safeguarding checks are undertaken.
- 6.3 There are currently a very small number of providers on the London Care Placements Framework who deliver semi-independent accommodation to young people. Therefore, Barnet currently has contractual arrangements with providers outside of the London Care Placements Framework. Themis Care, Neo Properties, Silver Birch, Purple Pebbles, Atlantic Lodge, One Step Support Ltd, Housing Plus, Allison Lodge, Oak Tree Care Services and Bridging the Gap are providers which are outside of The London Care Placements Framework. Barnet has between 20 and 30 young people requiring semi-independent placements in any one year.
- 6.4 Barnet began working with North East London Consortium (Haringey and Waltham Forest councils) to develop a common monitoring format and was later invited by Haringey to jointly procure for the provision of a framework for semi-independent supported accommodation. A tender process was undertaken between Haringey, Waltham Forest and Barnet, joined by Barking and Dagenham, Havering and Redbridge in 2011. However, as further detailed in section 9.1 of this report, Chief Officers in Barnet Children's Service have taken a decision to proceed without accepting the North East London Consortium framework due to significant financial cost implications.

- 6.5 Delegated Powers have been utilised earlier in 2013 to extend the existing contracts with providers of semi-independent provision, as outlined in section 6.10 of this report, on an interim basis while relevant evaluations were undertaken in relation to North East London Consortium framework tender. Relevant Chief Officers took the decision that accepting the North East London Consortium framework tender was not in Barnet's best interests on the basis of the significant additional financial costs that would be incurred by the Council compared to the current costs.
- 6.6 This report seeks authority to further extend the contracts with existing providers until 31 March 2014, while Barnet develops alternative arrangements for the provision of semi-independent accommodation, pending the joint commissioning of semi-independent accommodation with the West London Alliance. This report further seeks authority to execute further 6 month extensions with providers named in paragraph 6.10 from 1 April 2014 to 30 September 2014, if required, to enable sufficient time to develop suitable alternative arrangements.
- 6.7 This report further seeks to establish new contractual arrangements with three providers of semi-independent accommodation identified through the North East London Consortium. Additional detail about these providers is contained within section 9.3 of this report.
- 6.8 Furthermore, this report seeks a decision to establish a new contractual arrangement with Tabularasa, a provider of residential placements for children in care. A professionals meeting which involved Social Care Team Managers, Social Care Placements Team, Social Workers and Solicitors sent requests to 25 external placement providers which could potentially meet the needs of a particular child. 5 potential providers responded, the professionals group evaluated the responses and took the decision that Tabularasa would best meet the child's needs. Although Barnet has not had a contractual relationship with this provider before, Barnet Children's Social Care Placements Team is supportive of the use of this provider and appropriate due diligence, quality and safeguarding checks will be undertaken. Further details about this provider are contained in section 9.4 of this report.

Finance

- 6.9 Young people leaving care require specialist services to support them through their transition to adulthood, to move on to lead successful, independent lives. Semi-independent placements are sought to match the needs of individual young people. Semi-independent placements are usually within the cost range of between £300 to £880 per placement per week.

In accordance with the Council's Contract Procedure Rules, the Council enters into a contract with each of the providers which details the terms for supply of the services. The Council also enters into Individual Child's Agreements (ICA) with each of the providers, for named children. The ICA sets out personal details of the child and includes pertinent information such as contact details, key people, care planning needs and expected date and duration of placement. They outline details of the contracted parties, costs, arrangements for invoicing and details of additional services if required. This commits the council to a limited spend for each child as placement costs and terms of notice are negotiated prior to placement; notice can be given by either party. Therefore, commitment of spend is limited for each child and depends on the specified term of placement. The

contract value identified the upper limit of spend with a specified provider over the contract term.

6.10 The table below details the existing contracts for provision of semi-independent accommodation for which 8 month extensions are sought. Approval of the option to further extend these contracts by six months from 1 April 2014 – 30 September 2014, if required, is also sought.

Provider name	Existing contract period and value	Length of extension	Value of extension	Total contract value
Themi Care	01/04/11 – 31/07/13 (2 years and 4 months) £294,286	01/08/13 - 31/03/14 (8 months)	£ 104,460	£398,746
Neo Properties	01/04/11 – 31/07/13 (2 years and 4 months) £165,768	01/08/13 - 31/03/14 (8 months)	£62,300	£228,068
Silver Birch	01/04/11 – 31/07/13 (2 years and 4 months) £78,645	01/08/13 - 31/03/14 (8 months)	£ 28,775	£107,420
Purple Pebbles	01/04/11 – 31/07/13 (2 years and 4 months) £88,529	01/08/13 - 31/03/14 (8 months)	£ 51,150	£139,679
Atlantic Lodge	01/04/11 – 31/07/13 (2 years and 4 months) £52,079	01/08/13 - 31/03/14 (8 months)	£ 61,600	£113,679
One Step Support Ltd	01/04/11 – 31/07/13 (2 years and 4 months) £64,464	01/08/13 - 31/03/14 (8 months)	£ 16,706	£81,170
Housing Plus	01/04/11 – 31/07/13 (2 years and 4 months) £315,836	01/08/13 - 31/03/14 (8 months)	£ 63,945	£379,781

6.11 The table below details three providers of semi-independent accommodation for which authority is sought to enter into 8 month contracts. This report also seeks authority for a further 6 month extension from 1 April 2014 to 30 September 2014, if required, to enable sufficient time to develop suitable alternative arrangements.

Provider name	Length of contract	Contract Value
Allison Lodge	01/08/13 - 31/03/14	£ 29,750

	(8 months)	
Oak Tree Care Services	01/08/13 - 31/03/14 (8 months)	£ 29,750
Bridging the Gap	01/08/13 - 31/03/14 (8 months)	£ 45,500

6.12 The table below details one provider of residential placements to children in care for which authority is sought to enter into a 3 year contract.

Provider name	Length of contract	Contract Value
Tabularasa	01/08/13 - 01/08/16 (3 years)	£709,800

Performance and Value for Money and Sustainability

6.13 For the duration of the contracts with all of the providers named above, contracts will be regularly monitored to ensure that they meet the specified outcomes and represent value for money.

6.14 Barnet are continuing to work with other boroughs through Consortia such as the West London Alliance to seek financial savings in relation to contracts, including Children's Social Care contracts. The development of such relationships are also contributing to increased quality of provision. The West London Alliance is developing a framework for the provision of semi-independent accommodation which Barnet will seek to jointly commission.

Staffing, IT and Property

6.15 There are no Staffing, IT or Property implications for the Council in relation to these contracts.

7. LEGAL ISSUES

7.1 Section 9 Children and Young Persons Act 2008 inserts a new section 22G into the Children Act 1989. The new section imposes, upon the local authority, a general duty to secure sufficient accommodation is made available for children they are looking after.

7.2 Social Care services fall within Part B of Schedule 3 of The Public Contracts Regulations 2006 (as amended) ("the Regulations"). These Regulations implement the, relevant, European Directive into domestic law.

As social care services fall within Part B, they are not subject to the full European procurement regime but where the contract value is at, or above, the relevant EU threshold (£173,933), the council must comply with the relevant, less comprehensive, requirements of the Regulations. The Council

must, also, act transparently, fairly and in a non discriminatory way in securing the continued provision of the service.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Council Contract Procurement Rules section 14.1 outlines that contracts may only be extended or varied if all of the following conditions have been met:
- the initial contract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
 - the value of the extension or variation added to the value of the original contract does not exceed the original Authorisation threshold as defined in Appendix 1, Table A. (This criterion may be disapplied in respect of Placement Agreements for individuals in Social Care. Contract Procedure Rule 14.1 provides that such Placement Agreements may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in TABLE A, Appendix 1.;
 - the extension or variation has an approved budget allocation;
 - the extension or variation is in accordance with the terms and conditions of the existing contract;
 - if the initial contract was subject to EU tender procedure, that the extension option was declared within the OJEU notice and the original Acceptance (Delegated Powers Report/Cabinet Resources Committee Report); and
 - the contract has not been extended before
- 8.2 Council Contract Procedure Rules section 14.5 outlines that the Acceptance thresholds for contract extensions and variations are set out in Table A, Appendix 1 of these Contract Procurement Rules. Cabinet Resources Committee can authorise contract extensions and variations for contracts with a value of above £499,999. Cabinet Resources Committee can authorise contract acceptance for contracts with a value of above £499,999.
- 8.3 All seven of the contracts for which extensions are sought in this report have been extended before, earlier in 2013 under Delegated Powers to enable sufficient time for evaluation and decision making in relation to Barnet's participation in the North East London Consortium framework tender for semi-independent accommodation. As these contracts have been extended before, a waiver is required.
- 8.4 Council Contract Procedure Rules section 15.1 outlines that in the event that the application of the Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Directors, Assistant Directors or Lead Commissioners may apply for a waiver. All applications for a waiver of the Contract Procedure Rules must be submitted to Cabinet Resources Committee specifically identifying the reason for which a waiver is sought, including justification and risk. Paragraphs 9.1 and 9.2 below outline in further detail the reasons for the further extension of current contracts for the provision of semi-independent accommodation.

9. BACKGROUND INFORMATION

North East London Consortium framework tender for semi-independent accommodation

9.1 Barnet most frequently uses the London Care Placements framework for the provision of children's social care placements. Barnet has authority to 'call off' this framework, led by London Councils, until end March 2014. However, this framework has limited semi-independent provision for young people aged 16 years and above.

In 2008 Barnet began working with North East London Consortium (Haringey and Waltham Forest councils) to develop a common monitoring format. In 2010 Barnet was invited by Haringey to jointly procure for the provision of a framework for semi-independent supported accommodation. A tender process was undertaken between Haringey, Waltham Forest and Barnet. East London Solutions (the East London Boroughs) expressed an interest in joining this process and Barking & Dagenham, Havering and Redbridge joined the tender in 2011.

The tender process was extensive owing to the need to develop a rigorous service specification that would meet the consortium's requirements. The final pricing schedule was circulated in August 2012. Barnet engaged in discussions to negotiate the terms of the 'call off' framework agreement. However, it has been confirmed that there is no scope for negotiation on the costs of packages of care within the pricing schedule. As such, it was clear that there would be significant additional financial costs for Barnet to commission semi-independent accommodation from the North East London Consortium framework than to continue with current contractual arrangements.

Chief Officers in Barnet Children's Service have taken to decision to proceed without accepting the North East London Consortium framework. This report is seeking to extend Barnet's existing contractual arrangements for provision of semi-independent supported accommodation to young people leaving care and asylum seeking young people aged 16 years and above while until 31 March 2014, while Barnet develops alternative arrangements for the provision of semi-independent accommodation. It is proposed that Barnet develops its own approved list or framework until such a time that the West London Alliance framework for the provision of semi-independent accommodation has been jointly commissioned.

Cabinet Resources Committee on 20 June 2012 gave draft approval for the procurement of a framework for social care semi-independent accommodation in 2013-14 financial year up to the value of £6,000,000. This report seeks authorisation to procure a framework for accommodation for children in care and young people leaving care in 2013-14 financial year up to the value of £6,000,000. On this basis, Children's Service will proceed to develop an approved list or framework to replace the current arrangements.

Extension of current contractual arrangements with providers of semi-independent accommodation

9.2 Themis Care

Themis Care offers 24 hour supported provision where each young person has their own self contained flat and staff members on site at all times. They are

based in Hornsey, Palmers Green (female provision) and Finsbury Park.

Neo Properties

Neo is a 24 hour staffed unit local to Barnet, they have 2 units in Enfield that are on the borders of Barnet. This is the only provision of this type that is local to Barnet. The provision is high quality and support is provided to young people who demonstrate challenging behaviours. There is a strong record of achieving positive outcomes for young people in this provision.

Silver Birch

Silver Birch offers 24 hour shared accommodation within the Leyton area. They have provision for young men in addition to a mother and baby unit.

Purple Pebbles

Purple Pebbles provides self contained flats with floating support. Accommodation is provided within Barnet and is good value for money. The quality of provision is to a high standard and Purple Pebbles have supported positive outcomes for young people placed in this provision.

Atlantic Lodge

Atlantic Lodge offers 24 hour shared accommodations for males and females. They are based within Hornsey and Hackney. They can also provide emergency accommodation and flats within the community with floating support.

One Step Support Ltd

One Step Support Ltd offers both 24 hours and stand alone flats within Barnet and the surrounding area.

Housing Plus

Housing Plus provides shared accommodation and is based in Brent. They have two male units and a female unit. This provision is frequently used to support unaccompanied asylum seeking young people.

New providers of semi-independent accommodation

9.3 *Allison Lodge*

Allison Lodge provide varied types of accommodation, they offer 24 hour shared accommodation, 24 hour self contained flats, parent and child accommodation and emergency accommodation. Accommodation is local to Barnet with each placement having good transport links to Barnet.

Oak Tree Care Services

Oak Tree Care Services offer 24 hour shared accommodation, 24 hour self contained flats, parent and child accommodation and emergency accommodation. Accommodation is in and local to Barnet.

Bridging the Gap

Bridging the Gap provide 24 hour supported accommodation within a shared house setting within the Kent area, for young people who wish to remain in the Kent area.

New provider of placements to children in care

9.4 Tabularasa provide a 3 bedded mixed unit specialising in working with young people with extremely challenging behaviour. They provide therapy and a specialist educational provision and individual packages of care.

10. LIST OF BACKGROUND PAPERS

10.1 None

Cleared by Finance (Officer's initials)	
Cleared by Legal (Officer's initials)	