



Author/Lead Officer of Report: Sam Martin,
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Report to: *Cabinet Member for Children and Families*

Date of Decision: *19th June 2019*

Subject: *Provision of Supported Accommodation for Care Leavers*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Cllr Jackie Drayton, Cabinet Member for Children and Families and Public Health		
Which Scrutiny and Policy Development Committee does this relate to? Children, Young People and Family Support		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given?		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

Purpose of Report:

This report seeks approval to establish a framework of suitable and competent providers of supported accommodation which can be accessed as and when necessary to support some young people who are leaving council care. These services will be one part of a wide ranging choice of living arrangements for young people once they reach leaving care age, to ensure all young people have the opportunity to make a successful transition to independent life as they grow up.

Recommendations:

That the *Cabinet Member for Children and Families* delegates authority to the Director of Commissioning, Inclusion and Learning, in consultation with the Director of Children and Families, the Director of Finance and Commercial Services, the Director of Legal and Governance, as appropriate, and in liaison with the Lead Cabinet Member for Children and Families, to:

- a. Determine and approve a procurement strategy for the re-procurement of a Care Leavers supported housing contract framework as outlined in this Report;
- b. Award places on the framework to providers submitting the best value for money tenders based on our specifications and quality requirements for young people.
- c. To authorise future placements to be made by the Children and Families service in line with existing processes and protocols with providers on the framework, with and award contracts for these individual placements.
- d. Take any other action necessary, including extending or breaking contracts in accordance with their terms, as may be required to facilitate the outcomes outlined in this report.
- e. Take any actions necessary to ensure the continuation of service delivery arrangements with existing suppliers under the terms and conditions which applied in their contracts under the White Rose Framework until such date that contracts procured for successor service delivery arrangements commence.

Background Papers:

None

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Andy Bray</i>
		Legal: <i>Sarah Bennett</i>
		Equalities: <i>N/a</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	<i>Jayne Ludlam – Executive Director of People Services</i>
3	Cabinet Member consulted:	<i>Cllr Jackie Drayton, Lead Cabinet Member for Children and Families</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any	

additional forms have been completed and signed off as required at 1.	
Lead Officer Name: Sam Martin	Job Title: <i>Head of Commissioning (Vulnerable People)</i>
Date: 3 rd June 2019	

1. PROPOSAL

Introduction and background

- 1.1 The Council cares for a number of children and young people under its statutory social care functions. The majority of these children and young people live with foster carers, and a smaller number live in residential homes or other supported placements. The Council retains a duty to support young people who have been looked after beyond the age of 18, to enable them to make a successful transition to adult life. This includes ensuring they have the right support to live independently in suitable accommodation.
- 1.2 Within the provisions of the Children (Leaving Care) Act 2000, the Children Act 1989 and the Care Leavers (England) Regulations 2010 Local Authorities have statutory duties in relation to the protection, accommodation and care of children and young people. This is defined as:
- 1.3 *'Accommodation is to be regarded as suitable if it provides safe, secure and affordable provision for young people. It would generally include short-term accommodation designed to move young people on to stable long-term accommodation, but would exclude emergency accommodation used in a crisis'.*
- 1.4 The key themes of the legislation are:

The provision of stable placements with continuity of carers who provide positive links for looked after children

 - That young people are looked after until they are prepared and ready to leave care;
 - To help develop practical self-care skills for Young People such as looking after health needs, budgeting, household skills, and help them develop positive and meaningful relationships;
 - To enable Young People to fulfil their potential in education, training and employment;
 - To ensure Young People have access to a range of accommodation and support;
 - To ensure contingency planning for any crisis;
 - To provide on-going personal support;
 - To make adequate financial arrangements for care leavers no longer entitled to access welfare benefits;
 - To involve Young People in assessment and planning;
 - To ensure Young People are informed about their rights and services available;
 - To monitor and evaluate outcomes
- 1.5 Housing for Care Leavers can mean a range of different options. Our vision for

Sheffield is that the majority of our young people in foster care will remain after the age of 18 in *Staying Put Accommodation* which is accommodation with their current foster carers, until the age of 21. This will ensure that they have support from people who know them and are there 24 hours 7 days a week and give them more time to prepare properly for life on their own as an adult. Where this is not possible, we will ensure that Sheffield has a *Supported Lodgings* offer where young people can live until such a time when they feel able to move on. This is renting a room in a supportive family home where they can live independently but also have support available to them.

- 1.6 For some Young People because of their additional needs or decisions they make, Staying Put or Supported Lodgings is not an option they wish to consider. For this group we need to ensure that other options are available. As a result of the differing levels of need it is essential that as a city we ensure that we have accommodation that has the right support at the right level for each young person.
- 1.7 For the last 5 years the Council has been part of a regional commissioning arrangement, the *White Rose Commissioning Framework*, led by Leeds City Council. This framework created a list of pre-approved providers of supported accommodation of different types across the Yorkshire and Humber area who met the requirements for delivery, quality and costs. When individual local authorities needed to find a particular type of supported accommodation they could use the framework to quickly identify a suitable place and establish the necessary contracts and care plan to enable the young person to move in quickly and be supported.

Current numbers of Care Leavers in different types of commissioned supported accommodation

- 1.8 As of February 2019, there were 70 young people placed in 16+ Supported Accommodation of differing types. Young people normally stay in supported accommodation up to their 18th birthday at which point, if they are ready, they would move into their own tenancy with follow on support if required. Under the council legal duties to Children in Care and Care Leavers the Council pays both the support costs *and the rent costs* for any accommodation for young people aged 16 and 17. Once young people reach the age of 18 the rent costs for any supported accommodation is paid through housing benefit.
- 1.9 The 70 placements are broken down as follows:
- 1.10 **Complex Needs**
(High Needs Placements) = 6 young people

These young people have complex needs, so therefore require more intense package of support (i.e. 1:1 staffing, sleep-ins) or may need to be placed out of city in a 'solo' placement. These young people may have had multiple failed placements due to behavioural needs or may have been released from Secure accommodation and cannot be placed with other young people.

- 1.11 **24-7 Supported Accommodation**

(Standard) = **27** young people

Accommodation where there is support available on-site 24 hours a day, seven days a week. This basic model includes 10 hours per week support on-site for each young person.

1.12 Supported Tenancy

(10hrs+ support per week) = **3** young people

A form of supported accommodation with individual units of accommodation owned by a single provider, but spread around the city rather than in a block. Support is provided by a visiting accommodation worker at various levels, from daily to a few hours per week.

1.13 Supported Tenancy

(5hrs support per week) = **19** young people

A form of supported accommodation with individual units of accommodation owned by a single provider, but spread around the city rather than in a block. Support is provided by a visiting accommodation worker at various levels, from daily to a few hours per week.

1.14 Support only

(5hrs support per week) = **14** young people

Support is provided by a visiting accommodation worker at various levels, from daily to a few hours per week. These young people are 18 or over and can therefore claim Housing Benefit which pays for their Accommodation.

- 1.15 In all this provision, the support offers ranges from befriending and emotional support, help accessing education and training or work, training for practical living skills like cooking, budgeting, paying bills etc., and linking with other agencies like mental health services or training providers, or positive leisure and sport activities.

Current plans to improve the offer to young people and future potential demand

- 1.16 Our overall ambition is to reduce the number of young people that require supported accommodation or supported tenancies, and for those that do ensuring they live in, or as close to, Sheffield as possible where this is appropriate. We have a number of developments in place to achieve this, including:
- 'Staying put', where young people age 18 stay living with their existing foster family until they are ready to move into their own place.
 - Project aspire, which will increase our fostering arrangements and staying put.
 - Supported lodgings where a young person lodges with a family whilst they prepare for independent living.
 - Over time, our 'edge of care' strategy should reduce the overall numbers of young people I care and, in turn, the number of 'care leavers'.

- Provision of additional council accommodation for care leavers, for example more trainer flats, more staying close provision (where young people live in flats very near to the residential children's home where they previously lived in order to maintain contact with friends and staff they know), single occupancy accommodation, and smaller shared council accommodation.
- 1.17 It is difficult to accurately predict the number of supported accommodation placements that might be needed for young people over the next few years. Recent years have seen, nationally, an increase in the numbers of older teenagers coming into the care system. This might mean that even with the strategy outlined above the number of placements we need may not reduce entirely and our assessment is that it is likely there will always be a number of young people who need some kind of supported accommodation. Therefore, over the next 2-3 years we estimate that around 70-80 places might be required at least in the first year based on current demand, but that this should reduce over 2-3 years to 30-40 placements or an even lower number.
- 1.18 The Council does not have in house provision of this kind of supported accommodation at this time. In the last 5 years we have been part of the White Rose Framework which ran a regional framework of providers accessible to all Councils in the Yorkshire and Humber area. This regional arrangement, which was led by Leeds City Council on behalf of all Councils in the Yorkshire and Humber ended in December 2018. This gives us the opportunity to implement our own framework with specific reference to Sheffield, and make better use of locally available provision, whilst the strategies outlined above start to have an impact.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The proposed approach is to conduct a formal tender competition to set up a framework contract for suitably qualified and approved Service Providers of 16+ Care Leavers Supported Accommodation Service Contracts for the period from 1st July 2019 to 31st March 2023 with an appropriate break clause within the Contract at the end of years 1, 2 and 3 to enable earlier termination if required by the Council.
- 2.2 The tender exercise will be in accordance with Sheffield Standing Orders and will be achieved through an Open Tender opportunity. Procurements will be carried out in accordance with Contracts Standing Orders and the Public Contract Regulations 2015 and with due regard to the Council's Ethical Procurement Policy.
- 2.3 Current placements for young people were made under the White Rose Regional Framework which expired on 18th December, 2018 and legally require a retender. New placements cannot legally be made for young people until a new contract is in place and the framework proposed below will allow suitable contracts to be established with providers and allow the Council to quality assure the support given to young people we place with those providers, and take appropriate action if improvements need to be made.

There are 2 broad types of supported accommodation that the new framework will seek to secure, these are:

- 2.4 ***24/7 Supported Accommodation.*** This is Accommodation where there is support available on-site 24 hours a day. This support is not the same as 'care', and such

accommodation is not Regulated by Ofsted as a children's home. Therefore, careful Contract Monitoring is required. The basic model includes 10 hours a week support onsite for each young person but the framework will be set up to allow more or less support to be secured for individual young people depending on need

- 2.5 Supported Tenancies.** This is a form of community-based accommodation service with floating support. Support is provided by a visiting support worker at various levels, from daily to a few hours per week. The number of support hours to each young person will vary, depending on the needs of the individual. The basic model is for 5 hours support per week, but the framework will be set up to allow more or less support to be secured for individual young people depending upon their needs.
- 2.6 Officers in the Commissioning and Contracting team will work with the Placement Service to identify and secure quality placements for our Care Leavers, and robustly manage, monitor and review Provider performance, undertaking regular on-site Monitoring visits, as continuous desk based monitoring regimes and holding Annual Review meetings with Providers.
- 2.7 The framework will establish the following:
- A clear set of expectations and requirements covering the type of support we need. We will conduct a survey and consultation with existing care leavers to inform and shape our requirements so that these are based on the lived experience of young people themselves and what they consider to be important. We will also require providers to be clear about where their accommodation is so we can ensure a range of options are available to young people about where they live in the city and to ensure we fulfil our legal duties to promote and safeguard young people's welfare.
 - A quality assurance mechanism to ensure our oversight of the support young people are receiving
 - A cost framework outlining what we expect to pay for different types of services and support.
- 2.8 A *framework arrangement* is recommended as the best way to secure the right provision for young people. Under a framework arrangement the council will appoint a number of qualified and suitable providers of supported accommodation who meet our criteria around quality, approach and cost. However, the framework does not commit the council to making use of any particular provision over the period of the framework. Rather, it enables the council's placements team to go to a number of possible pre-approved providers when looking for suitable accommodation for an individual young person, and match the requirements of the young person to the kinds of provision offered by different providers.
- 2.9 The advantages of this approach are that it is:
- Flexible – a range of different providers can be on the framework and be used for the different needs of young people
 - Good value – the council does not commit in advance to paying for a particular number of placements of any type. We would not be paying for places that then don't get used, as we might do in a block purchasing arrangement. This is useful if our overall ambition is to develop more staying put/staying close and other alternatives and our placement needs fall.

3. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

Equality of Opportunity Implications

- 3.1 This decision if taken will ensure that support and accommodation services can be provided to one of the most vulnerable groups of young people in the city – those leaving Local Authority care. Young people with special educational needs and disabilities and from BME backgrounds are overrepresented in this group of young people.

Financial and Commercial Implications

- 3.2 Spend against 16+ semi-supported placements for 18/19 was £3m, however this includes additional spot purchased support costs for young people with complex needs. Based on service data the 2018/19 forecast spend on basic needs, which are the services to be tendered, was around £2.6m. This figure includes both UASC's (Unaccompanied Asylum Seeker Children) and mother and baby placements. At the present time there are no specific future savings targets set against this element of the placements budget.
- 3.3 The benefit of a framework arrangement, as opposed to using a 'block purchase' arrangement, is that there is no up-front commitment to any provider regarding the number of placements they would be asked to take. The Council therefore will only pay for each individual placement and is not paying for empty beds or spaces in block purchased provision. This will enable the council to develop strategies to reduce the reliance on supported accommodation placements if alternatives like supported lodgings or staying put arrangements can be increased.
- 3.4 The overall spend against a new framework over the course of the length of the framework is therefore entirely dependent upon the placements that are made and the relative requirements of each young person, and cannot therefore be set at this time. However, given the level of recent spend in this area the *potential* value of this arrangement means that an open competitive procurement process in accordance with relevant legislation (including that contained within the Public Contracts Regulations 2015) must be followed. The process to be followed shall be compliant with these requirements and the procurement exercise will be conducted by finance and Commercial Services with a dedicated procurement professional lead, with bids evaluated in conjunction with the Commissioner and other relevant stakeholders.
- 3.5 A formal tender will allow Sheffield City Council to achieve value for money provision through open competition and to implement a framework of Providers as outlined in this report that can be called-off to suit the varied needs of our Care Leavers.

Legal Implications

- 3.6 Local Authorities are given statutory duties under the Children (Leaving Care) Act 2000, Children Act 1989, Care Leavers (England) Regulations 2010 to provide accommodation and support for Care Leavers, ensure young persons are placed in an environment that will promote and safeguard their welfare and will achieve good

outcomes. Guidance on these duties is also explained in 'Keep on Caring – Support Young People from Care to Independence' (July 2016). Proposals in this report will support the Council in meeting these duties.

- 3.7 Since the Council is not proposing to provide these services itself there will be no direct TUPE staffing implications for the Council. TUPE may apply if the transfer of services from a current provider to the new provider is within scope of the TUPE regulations but this evaluation can only be comprehensively undertaken after contract award and would only affect the new provider. If at any point the Council considers 'stepping in' to provide services, it will require legal advice on those implications.
- 3.8 Where possible the Council must use existing contract terms with current providers to facilitate a smooth transfer of services and provider compliance with employment and other legal obligations. New contracts must have adequate arrangements to ensure service continuity and service standards that comply with the statutory requirements.
- 3.9 In procuring new providers the Council must comply with its Contract Standing Orders and the Public Contract Regulations 2015. After identifying providers the Council can rely on provisions in S111 Local Government Act 1972 in order to contract with new providers.
- 3.10 Proposals in this report are consistent with the Council's obligations under the Equality Act 2010 because the proposed service will benefit persons with protected characteristics that include disability, age and race.

TUPE

- 3.11 TUPE implications shall be assessed and the incumbent providers asked to advise on any potential TUPE eligible staff. This shall be taken into consideration through the procurement process. Any TUPE implications shall be Provider-to-Provider related, as the service is not being brought back in-house there are TUPE implications upon the Council.
- 3.12 All current Service Providers will be advised to take their own legal advice on this matter and will be required to provide information on the Workers they believe are eligible for TUPE in the event they are unsuccessful. This information will be made available to prospective Tenderers to allow them to accurately price their tender submission.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council does not have a 'do nothing' option because:
 - Not securing sufficient provision will leave some young people in our care with limited options for independent living as they grow up, leading to homelessness and other poor life outcomes.
 - The current contracts legally must be retendered
 - As a Local Authority we have a duty to provide 16+ Supported Accommodation for our looked after children. We must continue to provide services of this kind.
- 4.2 One alternative option considered would be to set up council in house supported

accommodation services. As described above, the Council is already embarked on a strategy to develop a wider range of alternative services to support the different needs of young people as they grow up into independent life as adults. However, the Council does not have direct immediate access to a wide enough range of suitable properties which could be used for these services, and would have to embark on a lengthy and costly acquisition programme which would take many months to complete. The proposal as set out above will sit alongside the other internally developed approaches and ensure there is a range of options and choices available to support young people over the next few years. There is a strong independent and voluntary sector with the staff, skills and properties available to deliver good quality services. Our overall strategic approach is to reduce the use of supported housing placements as other options are developed, so investing in capital developments and setting up new services now would represent poor value for money if they may not be needed in the foreseeable future.

- 4.3 One alternative approach to a framework arrangement that has been considered would be to run a tender to *block purchase* accommodation from a smaller number of providers. This has been rejected because the overall strategy is to reduce reliance on supported places. So the flexibility afforded through the proposed framework model is the best way to get value for money and not pay for provision which is not required.

5 REASONS FOR RECOMMENDATIONS

- The Council needs to ensure a range of suitable supported accommodation options are available for young people leaving care to enable them to reach their full potential and live independent lives. We are developing a range of new options to enable wider choice for young people, but these are not yet fully in place.
- Having a range of approved providers as part of a commissioning framework will enable the Council to secure appropriate accommodation for some young people when needed, and ensure these placements are made in line with agreed quality standards defined by young people themselves.
- If we do not proceed as proposed current services to vulnerable young people may cease to operate and the Council would not in the short to medium term be able to deliver all of these services directly.
- Re-procuring these services allows the Council to continue to meet a number of statutory duties.