



## Report to Policy Committee

### Author/Lead Officer of Report:

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**Report of:** Meredith Teasdale, Strategic Director of Children's Services

**Report to:** Education, Children and Families Policy Committee

**Date of Decision:** 8<sup>th</sup> February 2024

**Subject:** 16-25 Years Supported Accommodation Service Commission

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <b>2487</b>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input checked="" type="checkbox"/>	No	<input 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:-				
<i>Appendix B is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

### Purpose of Report:

To set out the statutory duties, provide an overview and seek approval from the Education, Children and Families Committee for the recommissioning of the 16-25 Supported Accommodation services. The original term of this framework contract was for 4 years (1<sup>st</sup> August 2019 – 31<sup>st</sup> March 2023).

On 8<sup>th</sup> November 2022, approval was given by the Education, Children and Families Policy Committee to extend the current contract for 18 months until 30<sup>th</sup> September 2024 to enable Ofsted regulation changes and framework guidelines to be put in place within existing provision.

The service is currently being delivered by a number of Service Providers who have successfully joined our contract since August 2019.

**Recommendations:**

That the Education, Children and Families Policy Committee approves the commission of a 16-25 years Supported Accommodation Service from external providers, with an estimated cost of £33.1 million over a period of 4.5 years, as set out in this report.

**Appendices attached :**

*Appendix A – Analysis of the current service and future projections*

*Appendix B – Report of Children’s Involvement team – views of the young people*

<b>Lead Officer to complete:-</b>	
1	<p>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.</p> <p>Finance: Kayleigh Inman Commercial Services: Paul Rayton Legal: <i>Richard Marik</i> Equalities &amp; Consultation: Ed Sexton Climate: Kathryn Warrington</p>
	<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	<p><b>SLB member who approved submission:</b> <i>Meredith Dixon-Teasdale</i></p>
3	<p><b>Committee Chair consulted:</b> <i>Dawn Dale</i></p>
4	<p>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 Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.</p> <p><b>Lead Officer Name:</b> <i>Isobel Fisher/ Amy Buddery</i></p> <p><b>Job Title:</b> <i>Assistant Director, Children &amp; Families Head of Commissioning</i></p> <p><b>Date: 22nd December, 2023</b></p>

# 1 PROPOSAL

It is proposed that the Council commission 16-25 year supported accommodation services from external providers. The estimated cost of the commission is approximately £33.1 million over a period of 4.5 years (1<sup>st</sup> October 2024 until 31<sup>st</sup> March 2029).

## Introduction and background

1.1 The current framework contract has been in place since August 2019 and there are 26 approved providers across 3 separate lots. During the financial year 2022 to 2023 a total of 183 young people were supported, with an average of 108 young people being supported at any one time.

1.2 The supported living service meets the accommodation and support needs of vulnerable young people and care leavers (16-25 years) which ensures a spread of accessible high-quality accommodation and related daily living support. This statutory duty to support Looked after Children and Care Leavers is contained in The Children (Leaving Care) Act 2000, the Children Act 1989 and 2004 and Care Leavers (England) Regulations 2010.

1.3 The purpose of purchasing supported accommodation is to meet the following key objectives:

- a) to ensure that young people can be supported with appropriate accommodation;
- b) to be available 24 hours a day, 7 days a week (where appropriate);
- c) to promote contact with family and friends (where appropriate);
- d) to develop a mixed economy of provision to meet diverse needs; and requirements of young people;
- e) to work in partnership with independent and voluntary sector providers to raise the quality of support available to 16+ young people; and
- f) to support young people into independence.

1.4 There are currently three different types of service that are provided under the current arrangements: 24-7 group living (complex), 24-7 group living (standard) and supported tenancies with floating support.

1.5 24-7 group living accommodation is where a young person lives within a multi occupancy property and either has shared communal facilities or lives within a 'bed-sit' type living space within a larger building.

1.6 Where a young person's needs are complex, we would expect a smaller property with a higher staffing ratio to a standard group living provision.

1.7 Supported tenancies involve a young person living in community-based accommodation with floating support, sourced by providers within the private or registered social landlord rental market and supported by one to one staffing of varying levels (to be determined by the young person's Support Worker).

#### 1.8 National Standards

In 2023, the Government introduced new national standards for the registration, regulation, and inspection of supported accommodation for looked after children, aged 16 and 17 and Care Leavers, which is to be overseen by an Ofsted-led provider registration and inspection regime. Ofsted have been registering providers since April 2023 and the new national standards are mandatory from 28th October 2023, Ofsted will commence inspections in April 2024. Therefore, on 8<sup>th</sup> November 2022, approval was given by the Education, Children and Families Policy Committee to extend the current contract for 18 months until 30<sup>th</sup> September 2024.

1.9 The new National Standards are based on four key areas: -

- Leadership and Management
- Child Protection
- Accommodation
- Support

1.10 The Council's Children in Care External Placement team have worked closely with providers throughout the year giving advice and support regarding the Ofsted registration process. All providers were referred to the National Childrens Bureau, Provider Readiness Programme and from July 2023 they started monthly conversations with providers about their progress in the application process, this was increased to weekly conversations from mid-September 2023. This support was available to all providers up until the deadline of 28<sup>th</sup> October 2023, and beyond for any other providers who may wish to work within Sheffield and apply for Ofsted registration later.

1.11 In addition to this support the Council's Children in Care External Placements Team has been quality assuring all 16+ providers to establish a baseline of good quality services and to help providers become Ofsted ready. All the providers on the Council's current contract received a series of site visits and action plans to help improve quality. Numerous examples have been shared by providers who stated they believe they would not have been Ofsted ready without this QA process and the support that followed.

1.12 The majority of our current providers have now obtained Ofsted registration.

1.13 Attached at **Appendix A** is an analysis of the current service and future projections.

1.14 Commission

The current framework contract is due to expire on 30<sup>th</sup> September 2024. It is therefore proposed that the Council commission 16-25 Year supported accommodation services from external providers for an estimated cost of £33.1 million over a period of 4.5 years.

1.15 It is also the Council's intention to procure a framework contract with a number of providers to deliver the services, subject to separate Council approval.

1.16 The Service provided by external Service Providers shall be supported accommodation to young people aged 16 – 25 years of age.

1.17 There will be four individual service categories required within this commission, as follows:

- 24/7 Group Living/Semi-Independence Unit environment (Complex – High to Medium Support) – 2/3 bedded.

Service providers shall provide 24-7 group living accommodation within a setting of no more than 3 bedded to accommodate complex/challenging young people. Young people will have their own bedroom and share communal facilities (bathroom, kitchen, lounge). Young people displaying higher intensities will require a higher staffing ratio from qualified and experienced staff via bespoke support packages with 24 hours a day support.

- 24/7 Group Living/Semi-Independence Unit environment (Standard Support)

Service providers shall provide 24-7 group living accommodation which is described as a situation where a young person lives within a multi occupancy property and either has shared communal facilities or lives within a 'bed-sit' type living space within a larger building. Young people requiring less intensive level of support will have access to a group living environment with appropriate ratio of staff on site 24 hours a day.

- Supported Tenancy

Service Providers will provide community-based accommodation with floating support, sourced within the private or registered social landlord rental market and supported by 1:1 staffing of varying levels (to be determined by the young person's support worker), to achieve the aim of the young person moving onto sustainable

community living. The number of support hours to each young person will vary depending on the needs of each individual. The service provider is to ensure staffing levels can be delivered to support all young people.

- Floating Support only

Floating support is where the Service provider delivers floating support to sustain a tenancy by encouraging the development of the young persons independent living skills. Community based floating support is provided to young people requiring support to manage their accommodation. The Service provider will work predominantly with young people that are already in accommodation but are struggling to manage their tenancy.

- 1.18 The Service Providers, in partnership with the Council, must be committed to delivering positive outcomes for the young people to meet the objectives of the placement. Specific needs will be identified in the young person's individual Support/Pathway Plan and the Service Provider will work to achieve these outcomes.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 This decision supports the ambitions within Our Sheffield Delivery Plan 2022/23.
- Strong and connected neighbourhoods which people are happy to call home;
  - happy young people who have the start they need and the future they want.
- 2.2 This decision will support the statutory duties under the Children Act 1989 and 2004 to prepare and support children for leaving care.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Our Children's Involvement team have a team of 5 paid care experienced Voice and Influence Workers who have been commissioned to gather the views of young people around our current semi-independent external service providers.
- 3.2 They have put a set of questions together, are visiting key providers and are interviewing young people for their views. The findings from this exercise are included in their report which is attached at **Appendix B**.
- 3.3 A total of 3 homes were visited, where 7 young people was interviewed.

The key features of the consultation were:

- To use their observations of the accommodation and staff to give an insight of what it may be like for the young people through recording their experience of being in the homes.
- To conduct semi-structured interviews with individual young people. These were done without the homes staff being present. For 3 of the young people, a telephone interpreter was used on speaker phone. This was completed in the 3 homes that were identified by the commissioning team.
- To use key relevant points from the latest Bright Spots findings to add into their report.
- To speak to the Independent Advocates, who offer issue-based advocacy to all children that are in care, and care leavers, to ask them about relevant systemic advocacy issues to include additional voices in their findings.
- To reward the research participants with a £10 voucher.

3.4 This meant that they would have a wider reach in terms of young people they spoke to. It also meant that they could triangulate the data and look for areas where messages are coming up repeatedly.

3.5 There has also been regular consultation with all our current service providers, where we have invited them to Provider events which were held in November 2022, April 2023, and November 2023 where we have kept providers fully involved with any regulatory changes and discussed the timeline for the new tender exercise.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality Implications**

4.1.1 Decisions need to consider the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it;
- to help evidence meeting the requirements of the duty, we have carried out a full Equality Impact Assessment.

4.1.2 The Equality Act 2010 identifies the following groups as a protected characteristic:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

4.1.3 An Equality Impact Assessment will be completed to be approved by our Equalities Officer and will be maintained throughout the life of the Contract.

## 4.2 Financial and Commercial Implications

### 4.2.1 Financial

The current contract is currently delivered by a framework of providers which is due to end on 30<sup>th</sup> September 2024. The proposal is to go out to competitive tender for 4.5 years with an implementation from 1<sup>st</sup> October 2024 until 31<sup>st</sup> March 2029 with an option to extend for a further 12 months.

4.2.2 Total spend for the last financial year from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 was £6 million.

4.2.3 Financial projections for 2023/2024 are currently forecast at approximately £7.37 million this includes agreed uplifts.

4.2.4 At current rates the estimated spend for the new contract of 4.5 years would therefore be approximately £33.1 million based on the anticipated cost projections of £7.37million in 2023/24. As this is a demand led arrangement the actual cost of this contract could be higher or lower than the projections dependent upon how many young people are provided with support and their complexity of needs. The cost paid to providers could, therefore, be higher than £33.1million.

4.2.5 The value of this contract means that a competitive tender process in accordance with the Public Contracts Regulations 2015 must be followed. The procurement process to be followed shall be compliant with these requirements and those of Contract Standing Orders and they will be conducted by Commercial Services with a dedicated procurement professional lead. It will also involve the Commissioning Officer from the Integrated Commissioning team.



### 4.3 Legal Implications

- 4.3.1 The Council has a duty to support and a power to accommodate looked after children and care leavers under the Children (Leaving Care) Act 2000, the Children Act 1989/2004 and the Care Leavers (England) Regulations 2010.
- 4.3.2 The arrangements to provide supported living for looked after children and care leavers in this report should go some way to meeting these statutory duties.
- 4.3.3 The contracting arrangements in this report are permitted by the Local Government (Contracts) Act 1997.
- 4.3.4 The Public Sector Equality Duty came into force in April 2011 (S.149 of the Equality Act 2010) and public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under S.149 of the Equality Act 2010 (as cited above).

### 4.4 Climate Implications

- 4.4.1 Where a service will be delivered by external partners and providers, we will aim to work with providers who align with our ambition to be a Net Zero city by 2030, through the procurement process. We will encourage providers to think about the climate impacts of delivering the service, such as use of office space, staff and client travel, energy and resource use, and opportunities to increase awareness of positive climate action, and take appropriate steps to reduce their impacts in the delivery of the service.

### 4.5 TUPE

- 4.5.1 TUPE implications shall be assessed, and the incumbent providers have been asked to advise on any potentially TUPE affected staff. This dynamic shall be taken into consideration through the procurement process. Any TUPE implications should only affect the incumbent existing and new providers, and because the service is not being brought back in-house there are no TUPE implications upon the Council other than ensuring that the Provider's comply with their obligations.
- 4.5.2 The current Service Providers have been advised to take their own legal advice on this dynamic and will be required to provide information on the Workers they believe are eligible for TUPE in the event they are unsuccessful in continuing to provide the service. This information will be made available to prospective Tenderers to allow them to accurately price their tender submission.

### 4.6 Other Implications

- 4.6.1 There are no other implications known.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Do nothing - which we cannot as the provision of this Service is a statutory duty; therefore, we must deliver it.
- 5.2 Deliver the service in-house – we currently do not have the expertise or capacity to deliver the service in-house.
- 5.3 Do our own tender - which would be a collaboratively procured approach on the open market, through an open tender, as this would maximise the interest and competition and thereby return the most economically advantageous tender.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The Council has a statutory duty under the requirements to support Looked after Children and Care Leavers as contained in The Children (Leaving Care) Act 2000, the Children Act 1989 and 2004 and Care Leavers (England) Regulations 2010.
- 6.2 The Councils existing framework contract for the delivery of the service will expire on 30<sup>th</sup> September 2024.
- 6.3 The Council wishes to re-commission the existing service for 4.5 years (1<sup>st</sup> October 2024 until 31<sup>st</sup> March 2029) with an estimated cost of £33.1 million.
- 6.4 Any re-commissioning of the service will seek the procurement and award of a 4.5-year contract in accordance with Public Contract Regulations 2015 and Contracts Standing Orders.