

Divisions Affected -

CABINET MEMBER FOR CHILDREN, EDUCATION & YOUNG PEOPLE'S SERVICES

16 January 2024

CREATION OF AN APPROVED PROVIDER LIST FOR CARE AND SUPPORT AGENCIES (CHILDREN'S)

Report by Corporate Director of Children's Serv

RECOMMENDATION

1. The Cabinet Member is RECOMMENDED to:

- a) Approve the commissioning and procuring of an Approved Provider List for CQC registered Care and Support Agencies to join, (in the first round and subsequent rounds of the tender) selected in accordance with and following the Council's competitive tender process.
- b) Approve awarding bespoke packages of care and support to the successful bidder (of each call off process) selected in accordance with and following the Council's competitive procurement.
- c) Delegate authority to the Corporate Director for Children's Services to authorise award of call-off contracts to Providers, after the brokerage process has been completed in accordance with the processes set out in the Approved Provider List contract, for individual care packages. Following the same process as for other bespoke care and support packages.
- d) Delegate authority to the Corporate Director for Children's Services, in consultation with the Head of Procurement and Contract Management, to initiate the competitive process set out in the Approved Provider List, for call-off contracts of bespoke care and support packages over the value of £500,000 per contract. Award of Contracts subject to separate Key decision reports.

Executive Summary

2. To commission and procure an Approved Provider List of CQC registered Care and Support Agencies offering bespoke care and support packages to meet the individual needs of children and young people up to the age of twenty-four which will complement our externally commissioned children's services.
3. These bespoke packages of care and support will enable children and young people to remain in their own homes, be accommodated in kinship care or to live within an alternative home setting, on a temporary basis, until such time that a permanent place to live can be found.

4. The Approved Provider List will offer best value and more choice when we require bespoke packages of care and support in the county.

Background

5. For Oxfordshire County Council to commission and procure an Approved Provider List of Care Quality Commission (CQC) registered Care and Support Agencies offering bespoke care and support packages to meet the individual needs of children and young people up to the age of 24 to complement our externally commissioned children's services. These bespoke packages of care and support will enable children and young people to remain in their own homes, be accommodated in kinship care or to live within an alternative home setting, on a temporary basis, until such time that a permanent place to live can be found.
6. The creation of the Approved Provider List for Care and Support Agencies will ensure that Oxfordshire County Council can be confident that they are working with CQC registered agencies that have been assessed as compliant prior to joining the Approved Provider List and in advance of the Council committing any spend to a bespoke care and support package, which will meet the needs of the child or young person.
7. The Approved Provider List will allow Oxfordshire County Council to make efficiencies to the cost of care and support packages by agreeing consolidated rates (at the time of joining the Approved Provider List) and fixing these for 12 months. Standard uplift clauses will be built into the contract to prevent providers from increasing rates multiple times throughout the 12-month period.
8. This contract needs to be as flexible as possible to enable brokerage and commissioning to work closely with providers to ensure that we are meeting the individual needs of a child or young person which can often fluctuate due to the trauma they have experienced in their lives and how this affects them on a daily basis.
9. The proposal is for a four-year contract, with two optional extension periods of two years each. It is intended that the Approved Provider List for Care and Support Agencies will start on 01/04/2024.

Key Issues

10. We do not currently have a compliant route for procuring CQC care and support agencies when we require a bespoke package of care and support to meet the assessed needs of the child or young person.
11. We are SPOT purchasing packages of care and support which reduces our ability to manage costs and forecast spend in this area.

12. We have limited quality assurance and monitoring options with a SPOT purchase.

Procurement Process

Sourcing Options

13. Extensive supplier engagement has been carried out to determine if there were any readily available alternative compliant route to procure the services. This engagement confirmed that main providers of the service were not signed up to any other frameworks, however they did confirm that they would be willing to join a framework or Approved Provider List if they felt that the balance of risk and responsibilities was not too one sided. This the reason that we concluded that we need to create our own process in order to meet our needs.

Tender Approach

14. Procurement will undertake a procurement exercise to put in place an Approved Provider List under the Public Contracts Regulation 2015 Light Touch Regulations (LTR) because it deals with Social Work-related work. The LTR can be used to allow any Contracting Authority the ability to create a bespoke process that can reduce the tendering timescales down if the requirement(s) are linked to social care, education, among others.

15. This requirement falls within scope and as such the business needs to allow at least 16 weeks from approvals being in place in which to commence this exercise and for it to Go Live. The Approved Provider List route under the LTR was chosen as the only viable route given the nature of the services required.

16. The Approved Provider List will require continued involvement from both Procurement and HESC, as well as the Service Area to review ongoing applications over the life of the Approved Provider List as well as maintaining the list.

17. Once bids are received and the mandatory criteria met, qualified (those with the technical capability for the services being procured) evaluators will review the information and if satisfied, the suppliers will be placed onto the Approved Provider List and staff will be able to access them for these services once the Contract has gone live.

Section D – Economic and Financial Standing

18. All providers will need to complete a Dun and Bradstreet credit report checks and an evaluation of Economic and Financial Standing before being awarded a contract.

19. The market in question for providers offering care and support is made up of lots of small companies and start up organisations. The risks can and will be mitigated against, as the nature of the Approved Provider List means that payments will

only be made for active care and support packages and there will be no payments in advance.

Corporate Policies and Priorities

20. The proposed Approved Provider List incorporates two of the key priorities set out by the Start Well Commissioning Team and aligns with three of the priorities set out in the Council's Corporate Plan, as below:

Priorities of the Start Well Commissioning Team

- increase number of children placed in county.
- Improve access to services to reduce inequality

Priorities of the Corporate Plan.

- Priority 3 - Prioritise the health and wellbeing of residents.
- Priority 7 - Create opportunities for children and young people to reach their full potential.
- Priority 9 - Work with local businesses and partners for environmental, economic and social benefits.

21. To achieve the priorities set out above and to address the gaps identified in the Sufficiency Strategy, the Start Well HESC team are working with operational colleagues in Health, Social Care and Education on the following:

- OCC will work positively and collaboratively with existing and potential providers to develop a range of appropriate provision to meet the needs of Oxfordshire's children within County (ensuring access to services, continuity of schooling, maintenance of support networks).
- OCC will share what we are learning about our children's needs and features through the Valuing Care needs assessment tool, to identify what is needed from the local market to support those needs and that the needs assessment tool needs updating more regularly following the original placement request.

Vision and Strategic Objectives

22. The Oxfordshire Children and Young People's Plan (2018-2023)¹ outlines a vision to make Oxfordshire a great place for children and young people to grow up in and to have the opportunity to become everything they want to be'. To achieve this, our strategic objectives are:

¹ [Oxfordshire Children and Young People's Plan](#)

<p>Be Successful</p> <p>To ensure children have the best start in life; ensure they have access to high quality education, employment and motivational training; go to school feeling inspired to stay and learn; and have good self-esteem and faith in themselves.</p>	<p>Be Happy and Healthy</p> <p>Services are available to promote good health and prevent ill health; learn the importance of healthy, secure relationships and having a support network; have access to services to improve overall wellbeing, and easy ways to get active.</p>
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Financial Implications

23. In the last financial year (2022/23) the Children Social Care service recorded up to 20 children in unregistered placement settings at a cost of £8.8m over budget (represents over 46% of the total overspend of £19.1m in the year).
24. The service is currently supporting 6 children in unregistered placement settings with a net projected spend of £5.4m after allowing for an estimated joint funding of £2m. This is currently indicating a forecast overspend of £3.4m.
25. The preferred option to implement an Approved Provider List is critical in ensuring more contract compliant arrangements but also providing a more efficient and robust financial management process, system and control. The platform will enable:
- Commissioning, Contract and Brokerage to obtain best possible value through a more effective commissioning and contract oversight.
 - Ensure that the care planning and review process will allow for the transfer to a regulated setting at the earliest opportunity and switch from higher cost 'spot' to lower fixed cost base with clearer, and timelier step-down plans to enable greater independence and better value care.
 - The Invoicing, vouching and payment arrangements for unregistered placements can be moved onto the same basis as all other placements and processed on a more automated basis with less manual intervention, removing the potential for error and greater certainty in financial management and forecasting.

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Legal Implications

26. The Council's powers and duties to engage in these activities are set out at Part III of the National Assistance Act 1948, the Care Act 2014, the Children and Families Act 2017 and the Children Act 1989.
27. The Council will conduct a fair and transparent competitive procurement process in accordance with the Council's Contract Procedure Rules (CPRs) to score all providers and ensure that only those who meet all of the criteria can join the Approved Provider List. The CPRs themselves ensure that the Council complies with the Public Contract Regulations 2015 (as amended) and the proposed awards under the Approved Provider List are therefore lawful.
28. It should be noted that the subsequent awards of call-off contracts must be made in accordance with the award procedures set out in the framework agreements.
29. The framework agreement will reduce the Council's reliance on direct award spot contracting. Such spot contracting is by its nature neither competitive nor fair and, when aggregated, runs the risk of breaching procurement rules.

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Staff Implications

30. The use of the Approved Provider List has no additional staffing implications all actions necessary to operate the Approved provider List are included within established staffing structures.

Equality & Inclusion Implications

31. The Approved Provider List specifications have been diligently prepared for the specific needs of disabled people and those people with mental health needs. The expectation of care providers is to deliver person centred support which ensures;
- Provision of in-county accommodation so people with Care Act needs are not placed a long way from their current support networks.
 - Bespoke packages of care and support are provided to meet the complex needs of the child or young person.
 - Children and young people can remain in their local communities.
 - Their individual needs are met.
 - Their cultural and religious beliefs are understood and supported.
 - Children and young people can become economically sufficient by supporting them to access training, learning, voluntary and employment opportunities (where applicable).

32. The Approved Provider List evaluation process includes the requirement for providers to have an Equalities Policy. In accordance with the requirements of the ITT documentation, all successful providers must self-certify that their organisation has an active Equality & Diversity Policy in keeping with the Equality Act 2010. All providers must also self-certify that their organisation has no court, industrial or employment tribunal cases brought against them regarding unlawful discrimination within the last 3 years. In addition, the Quality & Improvement Team will carry out regular monitoring of services and include equality items in their reviews.

Sustainability Implications

33. The Approved Provider List evaluation process includes mandatory disclosure from providers to answer questions regarding their environmental management as well as that of their sub-contractors. At present a Climate / Environmental Policy is not required by providers. All successful providers self-certified that their organisation had no prior convictions of breaching environmental legislation, or had any notice served upon it within the last 3 years by any environmental regulator or authority.

34. Recruitment for care and support mostly attracts a local workforce, therefore limiting the amount of extensive travel time.

35. The initial focus of purchasing bespoke care and support packages from providers of the Approved Provider List is for new packages of care and support, These are static workplaces unlike domiciliary care calls to multiple locations.

36. In line with the Council's policy, people living in supported living do not attend the day centres and therefore do not access the vehicles which transport people to and from the day services. Instead within the course of supporting someone staff will be required to travel alongside the individual often on public transport both for accessing the community and for travel training where this is part of a support plan.

37. Many of the care companies offer training online so their staff are not having to travel.

Risk Management

38. The Council has found itself in a situation where operational social care officers are dealing with challenging situations that do not fall within the (currently) commissioned services. This has meant that the checks and balances that are routinely undertaken for other types of services are not necessarily carried out and the approach to dealing with the wide variety of suppliers has been inconsistent and has put the Council at risk both commercially and reputationally should these arrangements go wrong.

39. The creation of the Approved Provider List will close the hole in the scope of commissioned services and bring the commissioning of assignments within the established support resources (Brokerage, procurement, legal service, Commissioning & Quality Improvement), reducing pressures on social care staff and increase management oversight of quality and budget. It will also reset the commercial relationship between the Council and its suppliers enabling us to start to leverage our significant spending to increase quality and value for money.

40. Benefits

- Reduces the risks associated with care and support purchased in an emergency.
- Ability to negotiate costs prior to accepting the care and support services.
- Ability to be flexible when purchasing care and support to meet the various needs of children and young people, from block provision to bespoke complex needs accommodation and care packages.

41. Critical Success Criteria

1. Care and Support Agencies are accredited and fully compliant prior to working with them
2. An increase in providers offering care and support in Oxfordshire and neighbouring counties
3. A reduction in costs for care and support services (based on ad-hoc rates currently being paid).

42. The benefits discussed above are very important to the Council and will make a noticeable difference (e.g., especially around accreditation and being fully compliant agencies).

43. Table of risks and mitigations

Risk	Impact	Probability	Mitigation	Risk Owner
Staff ratio being inadequate	4	3	Social Workers will frequently liaise with providers to ensure that we have the right staff ratio to keep the child or young person and staff members safe and well.	Social Workers

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Breakdown of care and support services due to complexity of need and challenging behaviour of child or young person.	4	2	Packages of care and support will be reviewed frequently to ensure increases in staffing to meet the complexity of need to prevent breakdown of care package.	Social Workers
Concerns about temporary accommodation meeting the child or young person's needs	4	2	Temporary accommodation will be scrutinised, and permanent accommodation searches will be a priority for the child or young person placed in temporary accommodation.	Social Workers
Lack of interest in the tender opportunity from the market	4	2	A competitive tender process should encourage competitive bids from the marketplace. Commissioning is in regular communication with known providers and can gauge interest and promote the opportunity.	Commissioning and Procurement
Poor performance from the social care agency	4	2	A full and competitive tender process will ensure the value for money (balance between cost and quality) is achieved for this contract – thus encouraging high standards and performance.	Quality Improvement and Procurement

		Probability				
		Remote 1	Unlikely 2	Possible 3	Probable 4	Highly Probable 5
Impact	5 Catastrophic	5	10	15	20	25
	4 Major	4	8	12	16	20
	3 Moderate	3	6	9	12	15
	2 Minor	2	4	6	8	10
	1 Insignificant	1	2	3	4	5

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Annex: Nil

Background papers: Nil

Other Documents: Nil

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