

Delegated Decisions by Cabinet Member for Children, Education & Young People's Services

***Wednesday, 11 September 2024 at 2.00 pm
Room 3 - County Hall, New Road, Oxford OX1 1ND***

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Wednesday 18 September unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Martin Reeves
Chief Executive

September 2024

Committee Officer:

Note: Date of next meeting: 9 October 2024

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

See guidance below.

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 9am four working days before the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk .

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

4. Minutes of the Previous Meeting (Pages 1 - 4)

To confirm the minutes of the meeting held on 10 July 2024 to be signed by the Chair as a correct record.

5. Funding Contribution towards Joint Commissioned CAMHS Contract with BOB ICB (2024-25) (Pages 5 - 12)

*Cabinet Member: Children, Education and Young People's Services
Forward Plan Ref: 2024/238*

Contact: Caroline Kelly, Joint Lead Commissioner – Start Well (Caroline.Kelly@oxfordshire.gov.uk), Rosie Winyard, Joint Commissioning Manager – Start Well (Rosie.Winyard@oxfordshire.gov.uk)

Report by Director of Children's Services (**CMDCEYPS5**).

The Cabinet Member is RECOMMENDED to:

- a) **Delegate authority to the Director for Children's Services, in consultation with the Head of Procurement and Contract Management, to award a funding contribution value £754,400 to Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board (BOB ICB) under the existing partnering agreement with BOB ICB towards payment for the contract for Child and Adolescent Mental Health Services (CAMHS) in Oxfordshire. This service contract value is £20million in 2024-2025 is managed by the BOB ICB and delivered by Oxford Health NHS Foundation Trust (OHFT).**
- b) **Agree commencement of an immediate review process for this contract and future funding arrangements post April 2025, to ensure return on investment and improving outcomes for children and young people in Oxfordshire experiencing mental health problems and associated neuro diversity.**

6. South Central Residential Framework (Pages 13 - 24)

Cabinet Member: Children, Education and Young People's Services

Forward Plan Ref: 2024/244

Contact: Alison Walker, Commissioning Officer – Start Well (Alison.Walker@oxfordshire.gov.uk)

Report by Director of Children's Services (**CMDCEYPS6**).

The Cabinet Member is RECOMMENDED to:

- a) **Approve the purchase of individual and/or block placements, under the £500K threshold, for the children of Oxfordshire from the South-Central Residential Care Framework as a Consortium member.**

7. SHAP Homelessness Project Withdrawal (Pages 25 - 26)

Cabinet Member: Children, Education and Young People's Services

Forward Plan Ref: 2024/268

Contact: Caroline Kelly, Lead Commissioner – Live Well (Caroline.Kelly@oxfordshire.gov.uk)

Report by Director of Children's Services (**CMDCEYPS7**).

The Cabinet Member is RECOMMENDED to:

- a) **Acknowledge the Council's position on the application to the Department of Levelling Up Housing and Communities (DLUHC) for the Supported Housing Accommodation Programme (SHAP) for Young People aged 18-**

25 at Risk of Homelessness, and reasons for withdrawing the service following the key decision paper on 10th July 2024.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Agenda Item 4

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

MINUTES of the meeting held on Wednesday, 10 July 2024 commencing at 2.00 pm and finishing at 2.15 pm

Present:

Voting Members: Councillor John Howson – in the Chair

Officers: Jack Ahier (Democratic Services Officer), Barbara Chillman (Pupil Place Planning Manager), Caroline Kelly (Lead Commissioner, Start Well).

The Cabinet Member considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

5 DECLARATIONS OF INTEREST

(Agenda No. 1)

There were none.

6 QUESTIONS FROM COUNTY COUNCILLORS

(Agenda No. 2)

There were none.

7 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 3)

There were none.

8 MINUTES OF THE PREVIOUS MEETING

(Agenda No. 4)

The minutes of the meeting held on 15 May 2024 were signed by Cllr Liz Leffman, Leader of the Council, and who chaired the meeting on 15 May 2024, as a correct record.

9 SHAP - SUPPORTED HOUSING ACCOMMODATION PROGRAMME

(Agenda No. 5)

The Chair introduced the item to the meeting.

Officers noted that the target was to have the scheme up and running by April 2025.

Following a question from the Chair regarding the slight delay to the scheme, officers confirmed that this was due to changing providers.

Officers noted that the effectiveness of the scheme would be reviewed.

The Chair thanked officers and agreed to the recommendations in the report.

RESOLVED to:

- a) Agree the commissioning and procurement of the Supported Accommodation Service for Young People aged 18-25 at Risk of Homelessness service and to Award a Contract using a grant awarded by the Department of Levelling Up Housing and Communities (DLUHC).**
- b) Delegate authority to the Director for Children's Services, in consultation with the Head of Procurement and Contract Management, to award a Contract with a value of up to £400,000 per annum for the support element of a Supported Accommodation Service for Young People aged 18-25 at Risk of Homelessness service for a term of 3 years following a successful procurement process.**

10 DIDCOT SPECIAL SCHOOL - EDUCATION SPECIFICATION AND APPROVAL TO START LA PRESUMPTION PROCESS
(Agenda No. 6)

The Chair introduced the item to the meeting.

Officers noted that there would be 120 places at the school, for children with ages ranging from 7-19 years old.

Following a question from the Chair regarding the location of a new school, officers confirmed that discussions were ongoing with an existing school in Didcot.

The Chair thanked officers and agreed to the recommendation in the report.

RESOLVED to:

- a) Approve the specification for the new special school serving the Didcot area, and for a competitive process to be launched to identify an academy sponsor to run the school.**

11 NEW PRIMARY SCHOOL FOR VALLEY PARK - EDUCATION SPECIFICATION AND APPROVAL TO START LA PRESUMPTION PROCESS
(Agenda No. 7)

The Chair introduced the item to the meeting.

Officers noted that this would be to build a new primary school to serve the housing development to the west of Didcot, known as Valley Park.

Officers noted that the building work would begin before the academy sponsor was confirmed, but stated it was common with the relative timescales.

The Chair asked officers to consider ground-sourced heating for open spaces, such as playgrounds or carparks, at that stage as it would be cost-effective and environmentally beneficial.

The Chair thanked officers and agreed to the recommendation in the report.

RESOLVED to:

- a) Approve the specification for the new primary school to serve the Valley Park development to the west of Didcot, and for a competitive process to be launched to identify an academy sponsor to run the school.**

..... in the Chair

Date of signing

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Divisions Affected – N/A

DELEGATED DECISIONS BY CABINET MEMBER FOR CHILDREN, EDUCATION AND YOUNG PEOPLE'S SERVICES

11 SEPTEMBER 2024

FUNDING CONTRIBUTION TOWARDS JOINT COMMISSIONED CAMHS CONTRACT 2024-2025 (RETROSPECTIVE)

Report by Director of Children's Services

RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to:

- a) Delegate authority to the Director for Children's Services, in consultation with the Head of Procurement and Contract Management, to award a funding contribution value £754,400 to Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board (BOB ICB) under the existing partnering agreement with BOB ICB towards payment for the contract for Child and Adolescent Mental Health Services (CAMHS) in Oxfordshire. This service contract value is £20million in 2024-2025 is managed by the BOB ICB and delivered by Oxford Health NHS Foundation Trust (OHFT).
- b) Agree commencement of an immediate review process for this contract and future funding arrangements post April 2025, to ensure return on investment and improving outcomes for children and young people in Oxfordshire experiencing mental health problems and associated neuro diversity.

Executive Summary

1. The CAMHS contract commenced in 2017-2024 and has now expired. Initially it was funded via a pooled budget in section 75 agreement between the then Oxfordshire Clinical Commissioning Group and Oxfordshire County Council. This contract is now managed by the Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board (BOB ICB) and delivered by Oxford Health NHS Foundation Trust (OHFT).
2. The contract includes delivery of in-patient provision and specialist community outreach services providing treatments for emotional mental health and

neurodivergence via a single point of access. The aims are to ensure children, young people and families receive specialist help at an early stage in their life to prevent further harm later in their lives in addition to linking them with other support services in the community.

3. The current contract expired on April 30th, 2024, and requires immediate action to ensure continuity in provision. The ICB are proceeding with a direct award process under the new Provider Section Regime C for the next 11 months until 31.03.2025. This includes continuing with the existing contract and service specification due to the short time scale for implementation.
4. The financial contribution from the Council will be fixed at £754,400 for 2024-2025 which is a contribution towards an overall annual contract value now estimated to be in the region of £20million for 2024. Final negotiations have been completed between OHFT and the ICB including an uplift for Agenda for Change costs to agree an overarching contract.
5. The overall value of the block payment from BOB ICB to OHFT in 2024/25 is £330,230m which includes payment for several contracts including CAMHS in Oxfordshire. Individual contract values will be calculated and varied in accordingly at a later stage following agreement in Quarter 2.
6. BOB ICB are responsible for managing this CAMHS contract to deliver services in Oxfordshire
7. A review process will commence in Oxfordshire to prepare for the next round of contract negotiations. The intention is to co-produce the new specification involving stakeholders including OCC (Oxfordshire County Council) children's services, ICB, Oxford Health and children and their families ensuring improving outcomes and value for money.

Context and Background

8. The CAMHS contract in Oxfordshire includes some services for children with neurodevelopmental conditions and their families/carers in addition to other mental health provision for children and young people.
9. The current CAMHS contract between BOB ICB and OHFT expired on 30 April 2024. Immediate action is required to ensure continuity of provision for children and young people requiring specialist support for mental health and neurodiverse conditions.
10. In 2017 at the commencement of this contract, the overall value was £17 million including contributions from OCC and NHS England via the Clinical Commissioning Group. Since that time, the contract has flexed to include the impact of COVID and included new services in response to additional successful bids for funding e.g. NHS Trailblazer funding for Mental Health Support Teams to pupils in schools, support for pupils with autistic spectrum disorder and digital transformation funding.

11. CAMHS service delivery is based on the Anna Freud I-thrive model linking to the wider system of children's services in Oxfordshire. It is an essential element in this system to improve outcomes for children and families.

12. **CAMHS Services in Oxfordshire**

Oxford Health NHS Foundation Trust provide the following specific services via a single point of access for the current contract [Welcome to Oxford Health NHS Foundation Trust - Oxford Health NHS Foundation Trust](#). CAMHS are part of the wider system of health and care provision for children and young people requiring help and support for mental health problems and neurodiverse conditions. The CAMHS contract includes the following services for children and young people via the single point of access:

- Neurodevelopmental conditions pathway for attention deficit hyperactivity disorder, (ADHD) and autism
- Dynamic Support Register for children at risk of hospital admission who have a diagnosed Learning Disability/Autistic Spectrum Disorder diagnosis.
- Learning Disabilities team for Young People
- School In-Reach-works directly with schools to provide support.
- Eating Disorders service for Young People
- Anxiety and Depression clinic
- Mental Health Support Team's across the county (currently support 35 schools in Oxfordshire)
- Outreach service-intensive support to families and children with complex mental health needs-Dialectical Behaviour Therapy
- Neuropsychiatry focussed on intersection of neurology and psychiatry.
- Services for high-risk young people-Horizon service, Family Assess and Safeguarding, harmful behaviours service.
- The Highfield in patient unit – funded by the provider collaboratives (NHSE (NHS England))
- Link Programme – funded by NHSE-care navigators.
- Forensic CAMHS service -Criminal Justice and Youth justice Liaison Assertive Outreach and Out of hours Crisis Team (OSCAR)

Key Issues

13. The CAMHS contract for Oxfordshire was competitively tendered in 2017 under the light touch regime under the Public Contract Regulations 2015.
14. The ICB is including the CAMHS contract in a block contract arrangement with OHFT until 31 March 2024/5 using the category direct award C under the Provider Selection Regime process 2023.
15. A new contract needs to be developed from 2025 to consider current and future service delivery requirements to ensure fit with the wider system of provision for children and families in Oxfordshire which have recently been recommissioned.

16. The future contract from 2025 needs to include recommendations from the SEND (Special Educational Need and Disability) Transformation Plan to ensure sustainability, continuous improvement for children and families and return on investment. If there is to be a further change for April 2025 then it would be useful to have an indication on that asap for budget planning if there will be a significant increase or decrease.

17. Performance and Outcome Measures

Key performance measures are included in the current contract and outcomes are reported at national level for the ICB. More recently there has only been reporting of a limited range of indicators for Oxfordshire due to COVID and an IT cyber-attack which has since been rectified by tendering for a new IT system. Regular reporting is now due to commence from July 2024, and specific reports on performance have been made available upon request

18. Corporate Policies and Priorities

The above proposal supports the Council's Corporate Plan and in particular points 2,3,7 and 9.

- *Tackle inequalities in Oxfordshire*-young people to be supported in the above service are amongst the most disadvantaged in the county.
 - *Prioritise the health and wellbeing of residents*-resource is dedicated to addressing health issues of residents, particularly mental health.
 - *Create opportunities for children and young people to reach their full potential*. This service helps to enable young people to achieve good life outcomes and will provide the support needed to help young people at an early stage in life to address their mental health needs and plan for their future.
 - *Work with local businesses and partners for environmental, economic and social benefit*. This joint commissioning arrangement between the Council and the NHS delivers an integrated contract and facilitates a system wide delivery model in partnership with our local NHS Foundation Trust to improve outcomes for individuals and communities across health and social care.
19. In addition, this service aligns with the following Council Strategies and CAMHS Transformation Plan:
- [Oxfordshire Health and Wellbeing Strategy 2024 - 2030](#)
 - [Children and Young People's Plan 2018 - 2023](#)
 - [Oxfordshire SEND Strategy 2022-2027](#)
 - [Oxfordshire's SEND Sufficiency Strategy 2018 - 2027](#)
 - [Oxfordshire's Child and Adolescent Mental Health Services \(CAMHS\) Transformation Plan 2016-2021](#)
 - [Oxfordshire's Early Help Strategy and Workplan 2022](#)
 - [SEND local area partnership Priority Action Plan](#)

Financial Implications

20. There is a Section 75 arrangement for management of a pooled budget. The OCC contribution has stayed flat in nominal terms and fallen in terms of share of the overall budget (£754,400 per year) over the contract term, as the NHS has increased investment targeted towards areas of greatest need for transformation and service development.
21. The overall value of the block payment from BOB ICB to OHFT in 2024/25 is £330.230m which includes payment for several contracts including CAMHS in Oxfordshire. Individual contract values will be calculated and varied in accordingly at a later stage following agreement in Quarter 2.
22. A decision will be required as to whether the OCC contribution to the pool will continue to allow robust planning in relation to a new CAMHS contract from April 2025. If withdrawn, it is likely there will be significant impact on aspects of service delivery which could include increased waiting times for children to access provision.
23. The Council is planning to review all contract arrangements included in the section 75 agreement with the NHS in the Autumn of this year to ensure they continue to meet Council priorities and return on investment.
24. The ICB are managing this contract and responsible for ensuring the overall financial value meets contract requirements and includes required uplifts for Agenda for Change, negotiation with OHFT.

Comments Checked by Thomas James, Head of Finance Business Partnering
(Thomas.James@oxfordshire.gov.uk)

Legal Implications

25. The arrangements for the joint commissioning of the CAMHS service (and other health and social services) are covered by the existing partnership agreement between the Council and BOB ICB dated 3 April 2023 under section 75 of the National Health Service Act 2006 (S 75 Agreement). Under the S 75 Agreement BOB ICB is defined as the Lead Contractor for the CAMHS service.
26. The S 75 Agreement allows for the annual agreement of contributions to jointly commissioned services as envisaged by this report.
27. The existing CAMHS contract for Oxfordshire was competitively tendered by BOB ICB under the previous s 75 agreement in 2017 as a light touch regime under the Public Contract Regulations 2015.
28. The procurement of health services such as CAMHS is now covered by the Provider Selection Regime (PSR) which came into force on 1 January 2024.

The PSR introduced greater flexibilities for contracting authorities in respect of the procurement of health services,

29. The ICB is intending to make a direct grant award for the coming year until 31 March 2025 using the category direct award C under the PSR. This is a legally compliant route to award and in any event it is BOB ICB as Lead Contractor who has control, responsibility and liability for the award process chosen.

Comments checked by:

Jonathan Pool, Solicitor (Contracts) (Jonathan.Pool@oxfordshire.gov.uk)

Staff Implications

30. There are no new or additional implications for staff providing the CAMHS contract for the next 11 months. There is an increase in budget for the interim arrangements to consider an uplift for Agenda for Change

Equality & Inclusion Implications

31. CAMHS include an individual equalities statement on their website that provides assurance that whatever an individual's needs are they will aim to ensure that they are met. They acknowledge that different people have diverse needs, and they will always do whatever they can to ensure these needs are met.
32. The latest CQC (Care Quality Commission) report in December 2019 rated the Oxford Health CAMHS service as good. Since then, there have been changes in the way the CQC interfaces with Providers, but the Trust continues to attend quarterly meetings with their CQC representative.
33. Oxford Health NHS Foundation Trust is likely to continue to satisfy the Quality and Innovation criteria to a high standard and relevant aspects of the contract will continue to be monitored by the SEND Transformation Board to ensure improvement to the required standards.
34. A recent SEND inspection in 2023 highlighted significant failings and concluded that services for children and young people with neurodevelopmental conditions required improvement to reduce waits and offer children help while they wait. A SEND transformation plan is in place and a priority action plan being implemented to address these aspects of the service for full review again in 2025.

Sustainability Implications

35. OHFT is committed to achieving NHS sustainability targets and achieved a 38% reduction in carbon emissions in 2021 exceeding the NHS target of 34%

by 2020. In 2021 OHFT signed the zero Carbon Oxford Charter agreeing support to achieve zero net carbon emissions in the City by 2040

Risk Management

36. There is evidence that OHFT have satisfied the existing contract 2017-2024 to a sufficient standard according to the detail outlined in that contract.
37. They provided all the relevant documentation, information, and policies for the existing contract.
38. They have followed the contractual service specification, not deviated from the BOB ICB Safeguarding requirements, charged the correct prices as per the contract, issued invoices correctly in accordance with the BOB ICB process, complied with quality reporting requirements and followed schedule 6A reporting requirements.
39. Oxfordshire NHS Foundation Trust CAMHS have complied with/not fallen foul of the Service Conditions in 2017/18 NHS Standard contract (full length) and 2018/19, including service conditions relating to -service standards, co-operation, information requirements, safeguarding, payment terms and quality requirements.
40. Oxford NHS Foundation Trust CAMHS have also not fallen foul of the 2018/19 service conditions including those relating to failing and indemnity, assignment and sub -contracting, and Information Governance.
41. The new contracting arrangements are based on a roll over of the previous contracting arrangements/schedules which the provider has already satisfied/complied with, and so the provider will highly likely be able to satisfy the new contract to a sufficient standard.

Consultation

42. As this is a retrospective award for a contract with no changes to the service specification for 2024-2025, no external consultations have taken place at this point.
43. Consultations have taken place when this contract was let in 2017 and with stakeholders during the SEND transformation programme in 2023-2024.
44. A full review is planned with stakeholders during the next few months prior to the new contract being implemented post April 2025. This will include the Parent Carer Forum, OCC Children and Family Services, ICB, OHFT leads, Clinical Psychology, Public Health.

Lisa Lyons
Director of Childrens Services

Contact Officers: Rosie Winyard Joint Commissioning Manager, Start Well
Rosie.winyard@oxfordshire.gov.uk
Caroline Kelly Lead Commissioner, Start Well
Caroline.Kelly@oxfordshire.gov.uk

September 2024

Divisions Affected - All

DELEGATED DECISIONS BY CABINET MEMBER FOR CHILDREN, EDUCATION AND YOUNG PEOPLE'S SERVICES

11 SEPTEMBER 2024

SOUTH CENTRAL RESIDENTIAL FRAMEWORK

Report by Director of Children's Services

Recommendation

The Cabinet Member is **RECOMMENDED** to:

- a) **Approve the purchase of individual and/or block placements, under the £500K threshold, for the children of Oxfordshire from the South-Central Residential Care Framework as a Consortium member.**

Executive Summary

1. Oxfordshire County Council is a partner of the South-Central Residential Care Framework; the current Framework ends on the 30th September 2024. The framework has been re-tendered and the new framework goes live from 1st October 2024, for a period of four years with optional extensions of up to a further 2 plus 2 years.
2. Southampton City Council, who are part of the Consortium, arranged the current South-Central Framework Agreement and are now Lead Commissioner for all future South-Central commissioning. The framework has seen unprecedented challenges in its later years, primarily the cost-of-living crisis having a significant effect on the cost of Children's Residential Care Homes. Whilst the current framework has been able to make use of a contractual uplift process from its third anniversary, the mechanism for this currently falls short of recent rises in inflation, resulting in some providers withdrawing from the framework and only providing homes for children at higher spot-purchase rates.

3. The Annual contract management fee for the framework is £7,897, with a one-off procurement cost of £4,847.73. The annual fee will vary depending on usage, the costs will rise the more children we can place in homes via the framework and will be offset by the reduction in the costs of SPOT purchased homes.
4. The Council's annual spend on the South-Central Residential Care Framework for residential placements between 1st April 2023 – 31st March 2024 was £1,364,767.
5. The benefit of joining the framework means we will be fully compliant with the Public Contract Regulations and the Council's Constitution. This allows for complaint and legal placements to be made.
6. There is a large pool of suppliers on the framework, however, due to market dynamics the number of providers on framework will reduce from 71 to 51. The framework will remain open to new entrants, which will be evaluated on a quarterly basis, this is different to the previous framework that only opened annually; therefore, it is possible the supplier list will continue to grow. All consortium members will continue to encourage new providers and more established providers to join the framework throughout the contract.
7. Any individual and/or block placement exceeding the £500K threshold will be presented separately for a key decision at Single Cabinet Members meeting.

Background

8. Local authorities (LA) have a statutory duty to provide suitable care arrangements for all 'Children We Care For' (CWCF) aged between 0-18 years. One type of placement sought on a case-by-case basis is a residential care placement. The term *Residential Care* can be used to refer to accommodation-based placements in children's homes, residential schools, secure units and unregulated homes and hostels. Each LA differs in relation to whether they have access to their own internal provision of residential care homes or whether they must access this type of care via the external market.
9. Southampton City Council (SCC) is leading on the procurement process to deliver a robust and transparent procurement to place providers onto a Framework Agreement for the Provision of Residential Care Settings for Children We Care For. A four (4) year framework agreement (with optional extensions of up to a further 2 plus 2 years) has been designed by a Consortium of 21 Local Authorities across the Southern Region of England namely:
 - Bournemouth Christchurch and Poole Council, Bracknell Forest Council, Brighton and Hove City Council, Bristol City Council, East Sussex County Council, Hampshire County Council, Isle of Wight Council, Kingston Council, Medway Council, Milton Keynes Council,

Oxfordshire County Council, Portsmouth City Council, Reading Borough Council, Richmond Council, Slough Children's Services Trust, Southampton City Council, Surrey County Council, West Berkshire County Council, West Sussex County Council, Windsor & Maidenhead Council and Wokingham Borough Council.

10. Southampton City Council, who are part of the Consortium, arranged the current South-Central Framework Agreement and are now Lead Commissioner for all future South-Central commissioning. The framework has seen unprecedented challenges in its later years, primarily the cost-of-living crisis having a significant effect on the cost of Children's Residential Care Homes. Whilst the current framework has been able to make use of a contractual uplift process from its third anniversary, the mechanism for this currently falls short of recent rises in inflation, resulting in some providers withdrawing from the framework and only providing homes for children at higher spot-purchase rates
11. The tender was published on the tender portal (Proactis) website on 21st May 2024, and the corresponding opportunity notice was advertised on the Government Contracts Finder and Find a Tender websites. On the 30th May 2024 a further advert was sent to Consortium members contacts advising of the open tender opportunity, again to be circulated to providers.
12. The procurement of the Children's Residential Care services, being services set out in Schedule 3 of the Public Contracts Regulations 2015 ("PCRs"), was subject to the 'Light Touch Regime' set out in Regulations 74-76 of the PCRs. Under this regime contracting authorities are able to design their own procurement procedure subject to such procedure ensuring transparency and equal treatment of bidders. The Consortium, however, chose to use a procedure analogous to the Open Procedure set out in Regulation 27 of the PCRs. Southampton City Council delivered the procurement on behalf of the Consortium.
13. Each stage of the procurement design was discussed and agreed with Consortium members, with separate working groups set up to inform the design of the specification, pricing and uplift mechanism, terms and conditions and method statement questions. There was also an overall procurement working group where progress from the other groups was shared with the Consortium. Consortium members were invited to attend these meetings and minutes were distributed to all.
14. All documents developed during the design phase were subject to a thorough review and feedback process with the Consortium, and key decisions were distributed via Voting documents, which were required to reach quorate to become binding.
15. The service specification was developed by a lead group of Consortium Commissioners and the final version was agreed by all Consortium members. The specification included a breakdown of six lots to encourage providers with

different specialisms to apply and for local sufficiency, which is a key requirement for this procurement. Applicants were able to apply for one or more lots.

16. The Specified Lot structure is detailed below:

Lot 1	Planned and Same Day Residential Care
Lot 2	Crisis Care
Lot 3	Residential Care with DFE Regulated Education
Lot 4	Residential Parenting Assessments
Lot 5	Therapeutic Residential Care
Lot 6	Children with Disabilities

17. Quality for Lots 1, 2, 3 and 6 were measured by using the providers existing Ofsted full inspection report outcomes (the last full inspection). Following an Ofsted inspection, providers are awarded a quality outcome report, and providers were asked to declare their quality rating at tender stage, the declarations were checked at evaluation stage. The results are then used by the Consortium to award either a Pass or Fail to gain approval for inclusion on the framework or not:

Outstanding	Pass: A rating awarded
Good	Pass: A rating awarded
Requires Improvement to be good	Pass: B rating awarded
Inadequate	Fail not included on the framework

18. Emphasis was placed on fairness and equivalence to all providers during this procurement. An additional 'C Rating' was included to ensure new providers that are registered but not yet inspected, and Providers registered with Care Inspectorate Wales (CIW) or the Scottish equivalent, the Care Inspectorate. There is a mechanism included in the Framework Terms and Conditions so that the placing authority can undertake their own quality checking of providers that have a 'C' rating prior to placing a child with the provider.

19. All provider homes submitted as part of this procurement were checked against Ofsted to confirm their quality rating. Submissions from Welsh Homes were checked with their own inspectorates to confirm their registration. No Scottish homes were submitted within this tender.

20. Lot 4 (Residential Parenting Assessments) is subject to additional scrutiny by Ofsted and the decision was made to use this as an additional pass/fail criteria. Bidders were asked to declare that the Homes being submitted for Lot 4 are registered to deliver Residential Parenting Assessments as a stated

care offering with Ofsted, and a 'No' response to this would result in a Fail for that Lot.

21. Lot 5 deals with specific therapeutic care needs for Children. Therefore, to ensure quality is fully assessed, the Consortium developed Method Statement Questions (MSQ's) for inclusion in the Invitation to Tender (ITT) and responses were assessed by a panel of Evaluators as agreed by the Consortium.
22. Full financial checks were completed at contract award, as per the process set out in the tender documents.
23. The Annual contract management fee for the framework is £7,897, with a one-off procurement cost of £4,847.73. The annual fee will vary depending on usage, the costs will rise the more children we can place in homes via the framework and will be offset by the reduction in the costs of SPOT purchased homes.

Corporate Policies and Priorities.

24. The South-Central Residential Care Framework incorporates one 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:

- Improve access to services to reduce inequalities.

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.

25. 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 to:

- work positively and collaboratively with existing and potential providers to develop a range of appropriate provision to meet the needs of Oxfordshire's children.
- 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 providers to support those needs identified on the placement request in discussion with the Homes Manager, Brokerage colleagues and the child's Social Worker.

Vision and Strategic Objectives

26. 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:

<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>
<p>Be Safe</p> <p>Ensure children are protected from all types of abuse and neglect; have a place to feel safe and a sense of belonging; access education and support about how to stay safe; and have access to appropriate housing.</p>	<p>Be Supported</p> <p>Children are empowered to know who to speak to when they need support and know that they will be listened to and believed; can access information in a way that suits them; have inspiring role models; and can talk to staff who are experienced and caring.</p>

Key Issues

27. The Council is SPOT purchasing children's residential care which reduces our ability to manage costs and forecast spend in this area.

28. The council has limited quality assurance and monitoring options with a SPOT purchase.

29. SPOT placements are not a compliant purchasing route.

Market Development & Support

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

30. The Council supports a mixed economy of provision, further developing both in-house and external provision.
31. The Consortium held a market engagement event with Children's Residential Care providers in February 2024. This was also attended by Ofsted. The feedback received from the day informed the Framework design. A Prior Information Notice (PIN) for the procurement was published on 5th February 2024. Consortium members were also issued with an advert on 15th April 2024 which they were requested to circulate to Providers, advising them of the upcoming opportunity and with instructions for registering on the tender portal.

Commercial Case

32. The benefit of joining the framework means we will be fully compliant with the Public Contract Regulations and the Council's Constitution. This allows for complaint and legal placement to be made.
33. The framework allows joint working and shared resource – meaning the Council can achieve all of the benefits whilst diluting the full costs of procuring and managing such a framework. The council can call off both individual and blocks placements from this framework.
34. There is a large pool of suppliers on the framework, however, due to market dynamics the number of providers on framework will reduce from 71 to 51. The framework will remain open to new entrants, which will be evaluated on a quarterly basis, this is different to the previous framework that only opened annually; therefore, it is possible the supplier list will continue to grow. All consortium members will continue to encourage new providers and more established providers to join the framework throughout the contract.

Financial Implications

35. The Consortium members expressed their requirements on pricing from the early stages of this procurement and the importance of achieving:
- A breakdown of providers weekly running costs for individual homes
 - Charges for therapies.
 - Costs for additional services offered by providers
 - Inclusion of an option for voluntary discounts
36. The agreed uplift process applies:
- A 5% Cap will apply on uplifts
 - Uplifts will be offered at a level of 60%NLW and 40% CPIH, this will be calculated as an average of the Office for National Statistics previous financial year figures published prior to the relevant period of the framework.

- Providers must apply for an uplift. The process for this will begin the November before the relevant period.
37. The financial evaluation to test the economic/financial standing of the entity bidding can be summarised as a two-stage process for this procurement, this was a pass/fail basis which was annotated in the invitation to tender:
- Stage 1 Southampton City Council Finance undertook a credit reference check from an independent third party (Dunn and Bradstreet).
 - Stage 2 If the credit reference achieved a rating below good, a review and evaluation of the applicants audited accounts took place.
38. To obtain a pass, the credit reference must indicate a risk rating of 'low', 'low-moderate', or 'moderate', and must not reveal any substantial financial weakness. A review and evaluation of all the applicants audited accounts was undertaken by Southampton City Council Finance.
39. The Council's spend on the South-Central Residential Care Framework for residential placements between 1st April 2023 – 31st March 2024 was £1,364,767.
40. Any individual and/or block placement exceeding the £500K threshold will be presented separately for a key decision at Single Cabinet Members.
41. The table below shows the pricing summary for each of the LOTS on the Framework giving an average, lowest and highest prices.

42. Table was taken from the Award Report written by Southampton City Council.

Lot	Quality Rating Allocated	Number of Childrens Homes on Lot/Rank	Average Price Offered £	Lowest Price Offered £	Highest Price Offered £
Lot 1	A	138	5,522.30	3,413.50	8,986.00
	B	16	5,608.28	3,996.00	6,743.43
	C	9	6,325.21	5,350.00	8,127.49
	FAIL	4			
	<i>Lot 1 Total Homes Applied</i>	167			
Lot 1 Total Homes on Framework		163			
Lot 2	A	10	7,282.56	3,737.36	12,950.00
	B	1	12,950.00	12,950.00	12,950.00
	C	5	9,888.04	8,198.21	12,950.00
	FAIL	2			
	<i>Lot 2 Total Homes Applied</i>	18			
Lot 2 Total Homes on Framework		16			
Lot 3	A	73	7,559.49	4,791.00	12,245.63
	B	7	8,701.74	4,791.00	12,245.63
	C	7	7,229.00	4,928.00	7,750.00
	FAIL	7			
	<i>Lot 3 Total Homes Applied</i>	94			
Lot 3 Total Homes on Framework		87			
Lot 4	A	14	4,364.46	3,500.00	6,540.00
	B	0			
	C	0			
	FAIL	0			
	<i>Lot 4 Total Homes Applied</i>	14			
Lot 4 Total Homes on Framework		14			
Lot 5	A	61	7,044.48	3,413.50	10,949.00
	B	10	8,915.25	6,136.00	10,949.00
	C	4	6,295.00	5,152.00	7,478.00
	FAIL	10			
	<i>Lot 5 Total Homes Applied</i>	85			
Lot 5 Total Homes on Framework		75			
Lot 6	A	15	5,675.80	3,413.50	6,865.06
	B	2	5,083.64	4,192.28	5,975.00
	C	5	6,311.85	5,975.00	6,944.15
	FAIL	9			
	<i>Lot 6 Total Homes Applied</i>	30			
Lot 6 Total Homes on Framework		21			
Total Provider applications 2024			51		
Total Residential Care Childrens Homes spread across all Lots on Framework NB: Some Childrens Homes are providing on more than one Lot			376		

Comments checked by: Ian Dyson, Director of Financial and Commercial Services
(ian.dyson@oxfordshire.gov.uk)

Tolerances and Constraints

43. The South-Central Residential Care Framework allows the Council access to compliant placements at an agreed cost. This prevents the Council having to rely on costly, and non-legally complaint spot arrangements. Whilst there

are no risks associated with the framework, there is a risk associated with the purchase of additional placements:

- The ability to match children with complex needs to other children already living the home.

44. The risk is expected given the market conditions and can be managed within the permitted timeframe for the implementation of the extension and additional purchase.

Risk Management

45. Table of risks and mitigations taken from Southampton City Council.



FINAL CRC 2024
Risk Register FULL.xl

Social Value

46. It was a mandatory requirement that all applicants complete the Social Value Delivery Plan provided within the procurement documentation from Southampton City Council, which will also be used to inform ongoing contract management through the Consortium. This was assessed on a PASS / FAIL basis as per Table below:

Score	Criteria Definition
PASS	A Social Delivery Plan with a minimum of three applicable Social Value Themes and Outcomes as per column A and with all targets, benefits, implementation processes, timescales and supporting evidence completed (as per Columns C to G) of the Social Value Delivery Plan has been submitted. This plan will form part of ongoing Contract Monitoring.
FAIL	A Social Value Delivery Plan is not submitted that details a minimum of three Social Value Themes and Outcomes as per column A and with all targets, benefits, implementation processes, timescales and supporting evidence completed (as per Columns C to G).

47. Two Providers who submitted a tender bid failed to provide a Social Value delivery plan.

Legal Implications

48. 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.
49. Southampton City Council advised on all aspects of this procurement. The draft terms and conditions of the framework were shared with and agreed by all the Consortium members who, we understand, had referred to their own Legal teams for review and comment. All comments received were logged and reviewed and where practical were included in the final terms and conditions, with final terms and conditions agreed by all Consortium members.
50. Southampton City Council's Procurement Business Partner's recommendation is to enter a 10-calendar day standstill period (which is a voluntary but standard practice for Southampton City Council Procurement), with the organisations that have passed the evaluation stage of the procurement as detailed in this report. When this period has concluded, Southampton City Council will enter into framework agreements with each provider. The Council is a named purchaser under the framework agreements and is permitted to enter into call-off contracts for individual placements subject to compliance with the call-off award processes set out in the framework agreements. The provider selection process and the call-off contracts themselves must be on the terms and conditions set out in the framework agreements.

The recommendations are therefore compliant with procurement law.

Comments checked by:

Jonathan Pool
Solicitor (Contracts)
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Equality & Inclusion Implications

51. The Children's Homes Providers will ensure commitment to provide inclusive and equal services to a diverse range of children and young people and to promote equality and diversity as part of recruitment and employment practices.
52. The Residential Homes will encourage children to develop respect for themselves and for others.
53. The Residential Homes will deliver services that recognise and build on the

strengths of children and young people from all cultures, religions, gender, age, sexual orientation, ability, and backgrounds, in ways that meet their needs and help them achieve their full potential.

54. Children are offered opportunities to try new experiences, which are not restricted by traditional gender options.
55. Staff are expected to challenge attitudes, behaviour and language that are non-inclusive and discriminatory, in a positive way.
56. Managers are expected to monitor the range of children and young people placed within the Home in terms of ethnicity, gender, and non-physical disability. This is to ensure the service provision is reaching all and not creating barriers to certain groups with protected characteristics.

Sustainability Implications

57. Recruitment for staff to support children and young people in residential placements mostly attracts a local workforce, therefore limiting the amount of extensive travel time.
58. All placements are static workplaces unlike domiciliary care calls to multiple locations.
59. Many of the care companies offer training online so their staff are not having to travel for mandatory and refresher training.

Report by Lisa Lyons

Director of Children's Services

Other Documents: Nil

Contact Officer: Alison Walker, Commissioning Officer – Start Well
07827 979220

28th August 2024

Divisions – N/A

**DELEGATED DECISIONS BY CABINET MEMBER FOR CHILDREN,
EDUCATION AND YOUNG PEOPLE'S SERVICES**

11 September 2024

SHAP Homelessness Project Withdrawal

Report by Director of Children's Services

RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to:

- a) **Acknowledge the Council's position on the application to the Department of Levelling Up Housing and Communities (DLUHC) for the Supported Housing Accommodation Programme (SHAP) for Young People aged 18-25 at Risk of Homelessness, and reasons for withdrawing the service following the key decision paper on 10th July 2024.**

Executive Summary

1. In 2023 the Department of Levelling Up Housing and Communities (DLUHC) invited Oxfordshire County Council and Oxford City Council to submit a joint bid for a supported accommodation service for young people aged 18-25 who have experienced multiple disadvantage and are at risk of homelessness. This is under their [Supported Housing Accommodation Programme](#) 18-25 year olds (SHAP). Oxfordshire County Council were the lead bidder and worked with a Registered Housing Provider who identified a suitable property to run the service from.
2. Oxfordshire County Council were awarded grant funding of approx. £1.2 m over 3 years to provide supported accommodation for 12 young people with mental health needs at risk of homelessness. However this funding was not drawn down as the housing provider was unable to obtain the necessary Planning Permission to convert the property to supported accommodation.
3. Oxfordshire County Council subsequently identified a different housing provider in April 2024 who sourced a suitable 9 bedded property in Oxford to provide a service to a slightly smaller cohort of young people at risk of homelessness with mental health needs.

4. Unfortunately, during the due diligence stage of the application process the provider could not provide the service within the funding thresholds for both the support and rent elements of the service.
5. Due to the grant requirements of the SHAP scheme all projects were required to go live by April 2025 and, due to the lengthy time it could take to source another suitable property, the Council unfortunately have made the decision to withdraw the application for the SHAP scheme.
6. Young people who could have been supported by the SHAP scheme are able to access the Young Person Supported Housing (YPSA) service, access provision under the 16+ supported housing framework (care leavers only) or access homelessness provision under the homelessness alliance.

Lisa Lyons,
Director Children's Services

Annex: There are no annexes.

Background papers: There are no background papers.

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