

LONDON BOROUGH OF CROYDON

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STATEMENT OF EXECUTIVE DECISIONS MADE BY THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING ON 4 SEPTEMBER 2018

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

The following apply to the decisions listed below:

Reasons for these decisions: are contained in the Part A report attached

Other options considered and rejected: are contained in the Part A report attached

Details of conflicts of Interest declared by the Cabinet Member: none

Note of dispensation granted by the head of paid service in relation to a declared conflict of interest by that Member: none

The Leader of the Council has delegated to the Cabinet Member the power to make the executive decisions set out below:

DECISION REFERENCE NO.: 3018CYPL

Decision Title: Croydon Foster Care Recruitment Service

Having carefully read and considered the Part A report, the associated confidential part B report, and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Children, Young People & Learning in consultation with the Cabinet Member for Finance & Resources

RESOLVED

1. The Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Finance and Resources approved the award in accordance with Regulation 27(c) of the Council's Contracts and Tenders Regulations of a contract for the provision of a Croydon Foster Care Recruitment Service to the successful provider as detailed in the associated Part B report for a maximum contract value of £989,000, for a term of two (2) years from the 1st November 2018 until the 31st October 2020.
2. The Cabinet Member noted that the name of the successful provider will be released once the contract award has been agreed and implemented.

Notice date: 5 September 2018

REPORT TO:	Councillor Alisa Flemming, Cabinet Member for Children, Young People & Learning
SUBJECT:	Croydon Foster Care Recruitment Service
LEAD OFFICER:	Philip Segurola, Director of Early Help and Children's Social Care
CABINET MEMBER:	Councillor Alisa Flemming - Cabinet Member for Children, Young People and Learning and Councillor Simon Hall Cabinet Member for Finance and Treasury
WARDS:	ALL

CORPORATE PRIORITY/POLICY CONTEXT

The Children Act 1989 states that responsible authorities are required to provide accommodation for looked after children within the local authority's area. A local authority is required to take steps to secure sufficient accommodation to meet the needs of children in their local authority area. Therefore, Croydon is committed to ensuring that our children and young people have access to a wide range of quality fostering placements options when required.

The development of this procurement strategy supports the achievement of a number of corporate priorities and supports the Council's ambition to protect the most vulnerable and to enhance the life chances of Looked After Children. It reflects the following priorities within the Community Strategy 2016-2021:

- To support individuals and families with complex needs
- To deliver better education and the opportunity for everyone to reach their full potential
- To secure a good start in life, improved health outcomes, and increased healthy life expectancy

Additionally, this strategy is developed in response to the following priorities identified within the Croydon LAC Sufficiency Plan, dated March 2017:

- To review the service to determine options and future model for foster carer recruitment.
- To target the recruitment of in-house foster carers to care for children and young people with more complex needs, sibling groups and to meet the needs of particular faith groups
- with the following proposed outcomes:
 - To maintain the level of recruitment to achieve the targets set in the contract
 - More children placed locally with specialist foster carers and with a view to promoting fostering for adoption

FINANCIAL IMPACT:

It is recommended that the contract for the provision of Croydon Foster Care Recruitment Services is awarded to a new provider of service for a contract term of two years from 1st

November 2018 until 31st October 2020 for the total value of £989,000. The new service will be transferred to the local authority and embedded within the Croydon Fostering Services before the end of the contract term.

The contract value is within the annual allocated budget of £497,000 for the duration of this contract.

KEY DECISION REFERENCE NO: N/A

The Leader of the Council has delegated to the Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Finance and Resources the power to make the decisions set out in the recommendations below:

1. RECOMMENDATIONS

1.1 The Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Finance and Resources is recommended by the Contracts and Commissioning Board to approve the award in accordance with Regulation 27(c) of the Council's Contracts and Tenders Regulations of a contract for the provision of a Croydon Foster Care Recruitment Service to the successful provider as detailed in the associated Part B report on this agenda for a maximum contract value of £989,000, for a term of two (2) years from the 1st November 2018 until the 31st October 2020.

1.2 The Cabinet Member is asked to note that the name of the successful provider will be released once the contract award has been agreed and implemented.

2. EXECUTIVE SUMMARY

2.1 The Council has undertaken a tendering exercise with the aim of identifying a delivery partner in the management and the delivery of the in house foster care recruitment service and supporting the local authority in the design and implementation of a new delivery model over a period of two years. The service will be working jointly with the local authority in securing the best service operating model with the aim of improving the choice and sufficiency of a diverse range of carers

2.2 The purpose of this report is to advise the Cabinet of the tenders received and the evaluation undertaken, further to which the recommendation is made to award the contract to the successful bidder on the basis of the Most Economically Advantageous Tender (MEAT).

2.3 The Tender exercise procurement process was carried out as set out in the Procurement Strategy RP2 report (CCB1368/18-19) dated 20th June 2018.

2.4 The content of this report has been endorsed by the Contracts and Commissioning Board.

CCB Approval Date	CCB ref. number
04/09/2018	04/09/2018

3. DETAIL

Introductions & Background

3.1 The London Borough of Croydon aims to provide high quality care to Croydon's Foster Care recruitment Service with the over-riding priority of ensuring that children are cared for in a safe, secure and happy environment and have the best possible outcomes. For many of the children and young people in our care, a placement with a foster family is the best way this can be achieved.

3.2 The aim of the service is to:

- Increase awareness in the borough around becoming a foster carer
- Develop a new delivery model for Croydon's Foster Care Recruitment Service that will improve the overall experience of our foster carers, and children and young people placed in their care
- Increase the efficiency in the recruitment of in-house foster carers; with an increased conversion rate of enquirers into approved in-house foster carers, a reduction in the time taken from initial enquiry to panel approval and a high approval rate at panel
- Increase the size and range of placement opportunities with Croydon's in-house foster carers, will create greater capacity within the service and increase the options available to place looked after children, and better meet the needs of harder to place children.
- Increase the provision of high quality care placements for Croydon's Looked After Children with the over-riding priority that children are cared for in a safe, secure and happy environment.

3.3 The new delivery partner will work in partnership with the Council to deliver all the following service elements:

- Marketing campaign and delivery - developing a suitable marketing strategy to increase the awareness of fostering in the borough Croydon including undertaking of targeted recruitment activities
- Recruitment and assessment of foster carers – managing an end-to-end recruitment and assessment process for new Croydon foster carers in line with the statutory guidance and regulations
- Developing a new service delivery model for Croydon in-house foster care service that will be embedded at the end of the contract period – providing technical support, training and developing suitable processes for managing an effective in house service.

3.4 The Service will recruit a minimum of 30 eligible in-house Foster Carers annually into the London Borough of Croydon Fostering Service. A general increase in Foster Carers is desired, and also with the option of targeting

recruitment of Foster Carers to deliver the care of specific age ranges or needs as identified and prescribed by Croydon Council.

- 3.5 The Service Provider will be working closely with the Fostering Service through a period of transformation required to respond to the Ofsted improvement and will ensure that the wider infrastructure is put in place to design, develop, implement and sustain the new delivery model.

Procurement Approach

- 3.6 This procurement was undertaken in accordance with the “light touch regime” applicable to the procurement of contracts for social and other specific services, as set out in Regulations 74 to 76 of the Regulations. The tender was issued via the London Tender Portal on the 26th June 2018 inviting prospective providers to submit tenders. The Council placed a contract notice (2018/S123-279585) on 26th June 2018 in the Official Journal of the European Union seeking expressions of interest from potential providers for the provision of Foster Care Recruitment Services. The invitation to tender closed on the 26th July 2018.
- 3.7 Compliance with the Council’s requirements were specified in the award criteria of the tendering process. The standard evaluation methodology based on 50% Price and 50% Quality was applied to this contract. The evaluation criteria were published in the Invitation to Tender (ITT).
- 3.8 Tender and contractual documentation were the subject to internal legal advice. The Terms & Conditions and Service Specifications have been subject to a robust development process.
- 3.9 This procurement will result in changing the service provider (in terms of the procurement element) which may invoke the effects of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). The relevant TUPE information required at this stage was made available from the incumbent service provider. The Council has notified all tenders that it is their sole responsibility to take any legal advice they consider necessary as to whether employees might transfer under the Regulations if the Tenderer were to be awarded the Contract and what the legal and other implications of that may be.
- 3.10 The overall procurement approach for this service recognises the importance of social value. Social value selection criteria was included in the tender documentation on the basis of meeting the Council’s priorities but also to encourage the market response in creating apprenticeship and job opportunities for local people and further investment in staff and foster care training that will in turn enhance the advice and support given to children and young people looked after in the borough.

Evaluation

- 3.11 Tenders were received from a total of 3 organisations. Tenderers were required to submit responses to the standard suite of SSQ questions, which were met by all tenderers. The tenderers who successfully passed the initial

evaluation were then subject to a further qualitative evaluation that assessed their ability to meet the Council's service requirements. At this stage, 2 tenderers failed to meet the Council's minimum standards of 3 "satisfactory" on each of the quality criteria, as presented in table below, resulting in one provider successfully proceeding to and completing the interview process.

- 3.12 The following quality matrix provides the respective maximum score available and the total weighting applied for each of the project specific technical ability questions assessed.

Quality Criteria	Maximum Question Score	Question Weighting %
Service Delivery	5	10%
Service Development	5	10%
Workforce	5	4%
Mobilisation of Service	5	3%
Quality Assurance & Contract Management	5	9%
Social Value	5	2%
Premier Supplier Programme	5	2%
Presentation	5	10%
Total Quality Weighting		50%

- 3.13 It is a requirement that Tenderers receive a minimum score of 3 (Satisfactory) for each of the technical and professional ability questions to qualify for the presentation to the evaluation panel leading to one tenderer successfully completing the tendering process.
- 3.14 The pricing model considered separately three elements of the proposed service which amount to a total of 50% (i) the cost of designing and delivering the marketing strategy – weighting of 10%, (ii) The cost of completing the fostering assessments from the enquiry to the approval – weighting of 25%, (iii) the cost of supporting the Local Authority in the design and implementation of a new in house foster care service model – weighting of 15%. The tendered price is within the allocated budget for this service.
- 3.15 The Quality and Price scores were combined and The successful Tender is recommended for appointment to the contract, on the basis of their ability to satisfy the Council that they could meet the qualitative requirements of the Service Specification and on their pricing using an evaluation methodology of 50% Price and 50% Quality.
- 3.16 Following completion of the tender process the Council will enter into a contract with the tenderer that offers best value for money on the 1st November 2018.

The Evaluation Panel

- 3.17 The evaluation panel was made up of three people from the Children Social Care Team and Strategy & Procurement (People). The Panel was chaired by the Service Leader for Fostering and Placements. Additionally, advisory

expert scores were provided by the Council's Communication Team on a specific element of the service.

- 3.18 Each member of the evaluation team evaluated the bids independently and then the scores were brought together at moderation panels. The evaluation panels facilitated by the Category Manager for Children agreed on a moderated score for each question that was used for evaluation purposes. The tenderer who met the minimum score of 3 out of 5 for any quality criteria (with the exception of the question relating to the participation in the Premier Supply Programme) attended the interview panel on the 8th August 2018. A final moderation meeting was undertaken on the 20th August 2018.

4. CONSULTATION

- 4.1 Consultation has taken place on the development of the procurement strategy through consultation forums with a range of partners as well as a market engagement event. Service leads for fostering service and the Council's Communications team formed part of the tender project group that had responsibility for overseeing the tendering process; they provided both service and client group expertise whilst also playing an active role in devising an appropriate service specification in addition to sitting on the tender evaluation.

- 4.2 Key messages from engagement events were fully considered and informed the development of the new service specification, as presented below:

- Developing a streamlined end to end recruitment process with the overall responsibility to be held by the provider
- Developing a recruitment pathway that gives the local authority all the necessary quality control points over the recruitment process
- A single provider model with overall responsibility for the recruitment pipeline will improve the timelines for approvals from 39 wks to approx. 26 weeks.
- Re-focusing the impact of our in house resource on retention and training and supporting information sessions and skills to foster training
- Developing a foster care profile within the service specifications
- Developing a transition service to enable a smooth handover from the provider to the service following the approval of foster carers.

- 4.3 There is an ongoing engagement process with the children and their families, and the foster carers to measure the impact and the quality of care provided to our LAC. This work will inform further areas for improving and reshaping the new service delivery model.

- 4.4 There will be a shared contract management responsibility for this service across the C&P and Croydon Fostering Service.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

Expenditure due to decision:

Details	Internal		Period of funding	External		Total joint funding	Period of funding
	Capital	Revenue 2018/19 p/a		Capital	Revenue p.a.	Revenue p.a.	
Council Revenue Funding		£494.5k	2 years from 1 st November 2018				
Total		£989k					

The total anticipated cost of the 2 year contract is £989k. This includes the cost of the recruitment of internal foster carers and the development and implementation of a new in house foster care model. This is within the allocated annual budget of £497k contained within the Fostering Service.

2 The effect of the decision

The expenditure due to the decision is £494.5K per annum, with a budget of £497K, this results in a remaining annual budget of £2.5K.

3 Risks

Risks - This option assumes that the new in house foster care recruitment service will be in place within 2 years of awarding the contract and the function will be performed by Croydon Fostering Services thereafter. The risks identified include:

Key Risk	Risk Rating	Mitigation
Risks to service delivery - delays arising from the new service not being in place on the expiry of the existing contract	High	Discussions are taking place with the existing provider of service to extend the existing contract for an interim period
TUPE/ HR implications for the interim service and insourcing the provision	Medium	As TUPE may apply the Council must ensure that it facilitates discussions between the existing and the new provider of service. Additionally, the Council must fulfil its obligations when in sourcing the services at the end of the 2 years period to avoid any risks. Advice sought from the HR services.
Being unable to recruit sufficient numbers of in-house foster carers during the interim period	Medium	Ensure potential providers have successfully implemented transformational programmes with other local authorities which can be evidenced through the tendering process
Provider conduct during the recruitment and insourcing process could affect the Council's reputation	Medium	Ensure potential providers have a good track record of working closely with the local authorities, Fostering Panels, Communications Team and maintain good professional standards at all times.
In-house foster carers are recruited but are not utilised leading to savings not being	Low	The interim enhanced model with strengthen the handover process between the provider of service and the Fostering

realised and a cost pressure being generated		service – this will be formalised via a new operational protocol.
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4 Options

remaining with the current foster care recruitment process was considered and rejected as an option as it was not considered to be viable for the future.

5 Future savings/efficiencies

The recruitment of new foster carers aims to increase the capacity of the service by 30 carers per annum over the term of the contract.

The annual saving for each foster care placements is estimated at £23,017 (the forecasted position as of Jan 2018 suggests that the average cost for an external fostering placement is £34,500 p/a and for an in house foster carer £11,483 p/a).

This estimated efficiency is non-cashable and represents cost avoidance, allowing spend to remain within the allocated budget.

Approved by: Josephine Lyseight, Head of Finance

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The recommendations set out in this report seek to support the Council's duty to achieve best value pursuant to the Local Government Act 1999.

Approved by: Sean Murphy lawyer, on behalf of the Director of Law and Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 This report makes recommendations involving a service provision change which may invoke the effects of TUPE (Transfer of Undertakings (Protection of Employment) 2006 Legislation (amended 2014). Where the activities of the new service are "fundamentally not the same", TUPE may not apply, as provided for by the 2014 amendments to the Transfer of Undertakings (Protection of Employment) 2006 Legislation.

Nevertheless, the application of TUPE would be determined by the incumbent and any new service provider, for which the Council is the client. On that basis, the role of the Council would usually extend no further than facilitating the process. However, as the service is likely to be transferred back in-house when the contract award ends, the Council will work closely with the service providers to ensure appropriate measures are in place during the periods of transition.

Where TUPE applies, the affected staffing group would transfer to the new service provider on their existing terms and conditions of employment. The

appropriate TUPE protocols must be followed; particularly the duty to consult with the recognised trade unions and affected staff. HR advice should therefore be sought throughout this process.

There are no HR implications for Council employees arising from this procurement process.

Approved by: Nadine Maloney, Head of HR – Children, Families and Education Department, on behalf of the Director of Human Resources)

8. EQUALITIES IMPACT

The proposed contract will contribute to the corporate equality objective of improving access to suitable foster care placements that meet the needs of our children looked after and fulfil statutory obligations to provide services to children and young people in care.

An initial Equality Analysis has been undertaken and indicates that a detailed / full Equality Analysis is not required. This is on the basis that there should be no noticeable effect on the community or service user other than an improved service response time and increased service provision capacity and resilience.

Feedback is received from children in foster placements through the LAC review process. Additionally, an ongoing engagement process with the foster carers is led by the Fostering Service which informs further areas for improving and reshaping our training and support offer for our in house foster carers. The Council was successful in securing additional funding from DCLG which will enhance the training programme to all in house foster carers who provide services to Unaccompanied Asylum Seeking Children.

9. ENVIRONMENTAL IMPACT

9.1 N/A

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 N/A

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 The recommendation to award the contract for the provision of Croydon Foster care Recruitment Service follows a robust tendering exercise that was undertaken in accordance with the Light Touch regime, under the CPR 2015. The contract will enable the Council to meet its statutory duty and implement the required service improvements. The contract with the incumbent provider ends by the 31st October 2018 and we need to ensure continuity of provision by ensuring that the new service commence on the 1st November 2018.

12. OPTIONS CONSIDERED AND REJECTED

12.1 None

CONTACT OFFICER:

Name:	Spencer Duvwiama
Post title:	Service Leader for Fostering & Placements
Telephone number:	Ext. 18325

BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972: None

APPENDIX: None