

North Somerset Council

Report to the Executive

Date of Meeting: 24th of April 2024

Subject of Report: Children's Social Services Commissioning Intentions 2024/2025

Town or Parish: All

Member Presenting: Councillor Catherine Gibbons Executive Member for Children's Services, Lifelong Learning & Skills

Key Decision: Yes

Reason:

Executive approval is required to begin a commissioning process under the Council's Contract Standing Order Rules where a contract will exceed a value of £1m over the term of the contract/framework.

This Commissioning Intentions have been developed to set out the priorities for procurement and commissioning in Children's Services for 2024/25 by the executive and to seek approval for contract extension and commencement of new procurement activities.

Recommendations

The Executive is asked to:

- a) Support the Children's Services commissioning intentions for the year 2024-2025.
- b) Approve the participation of North Somerset Council Children's Services in the following activities, delegating to the Director of Children's Services approval to determine the relevant procurement route, and the award of any contract, in consultation with the relevant Executive Member(s):
 - a Extension of the residential children's home dynamic purchasing system for a further 2 years
 - b Extension of the Independent Non-maintained Special Schools Sub-Regional Flexible Framework
 - c Creation of a sub-regional Dynamic Purchasing System for the provision of accommodation and support for care leavers aged 16 plus years
 - d Creation of a sub-regional framework for the provision of Complex Care services

1. Summary of Report

The purpose of this report is to set out the Children's Services commissioning intentions for the coming year (2024/25) and to seek approval to undertake specific procurement activities that are provided in Appendix A.

The report sets out the policy framework underpinning the work of the directorate and the strategic priorities driving these commissioning intentions and sets out the approach to commissioning and procurement.

2. Policy

Local authorities are required under the Children Act (1989) to ensure that there are enough suitable homes for children in care and care leavers. This includes having a range of different types of homes including residential children's homes, foster care, independent or semi-independent supported accommodation. Additionally, there are a range of duties that provide a range and level of services to children in need and their families in a local area that are appropriate to their needs. This includes children with disabilities.

Local authorities have a duty under the Children and Families Act (2014) to secure special educational provision for children in accordance with their Education, Health and Care Plan. Whilst this is most likely to be provided in a mainstream school or in a local special school, there are times when this will be secured through an independent or non-maintained special school. The Act also places a duty on the local authority to develop joint commissioning arrangements with local partners to provide services for children and young people with Special Educational Needs and Disabilities.

In addition to supporting the council to meet the legal duties described above, these commissioning intentions support the following Corporate Plan Ambitions:

- Our children and young people are cared for, safe, supported and are given equality of opportunity to thrive.
- Our communities are caring, health and safe, where people help each other to live well.
- Our council delivers consistently good services and value for money to support our community.

They are also intended to support the delivery of the local area [Special Educational Needs and Disability Strategy](#) (SEND). The Joint SEND Commissioning Strategy is currently being consulted on, and any future work resulting from this wider consultation will be brought back to Executive later in the year.

3. Details

The key strategic drivers for the commissioning intentions are described in Appendix A are:

- Delivery of statutory responsibilities outlined in the Children Act (1989); the Education Act (1996) and the Children and Families Act (2014)
- The Corporate Plan 2024-28
- The Local Area SEND Strategy and SEND Co-production strategy
- North Somerset Health and Wellbeing Strategy 2021 – 24
- North Somerset Budget Strategy and Medium-Term Financial Plan

- Children's Services Annual Directorate Plan and associated service delivery plans

The commissioning intentions are intended to improve the coordination of our approach to meeting the needs of children, young people and their families and to support the best use of resources in recognition of the growth in the numbers and complexity of children in our care, the numbers of care experienced young people and numbers of children with education, health and care plans.

Where appropriate participation in sub-regional commissioning arrangements is recommended in order to seek to improve economies of scale and strengthen our position with the market. The commissioning intentions plan also recommends, where appropriate, the participation in framework contracts and dynamic purchasing systems. This is intended to provide greater security and control over individual packages of support and to promote more effective management of quality and price than can be achieved through individual spot purchasing arrangements through partnership working and the development of more strategic relationships with providers.

Any commissioning undertaken is supported by the Procurement Team. The Children's Services Strategic Commissioning team is focused on developing an approach that is evidenced based, child centred, needs led, strength-based and outcome focused. There is a desire to maximise the level of co-production and the child's voice that can be incorporated in the commissioning process to ensure that the services commissioned optimise outcomes for the children and young people receiving the support, the Council, partners, and the providers of those services. Commissioning is informed through evidence (both locally and nationally), best practice initiatives and local need, and undertaken in line with the Institute of Public Care commissioning cycle.

An update on progress against plans will be provided to the Children's Executive Member every 6 months, including where any conflict for resourcing of activity during the year has resulted in revised plans.

Each approval includes delegation of further decisions in the process to the Director. Further decisions include the authority to agree the outcome of the commissioning activity to determine the detail of the services to be procured, the procurement route and the award of any contract. Decisions to award contracts will be taken in consultation with the relevant Executive Member(s).

4. Consultation

Ensuring effective ongoing consultation and engagement is fundamental to the commissioning process and is embedded into each commissioning priority and re-procurement process.

The Commissioning Priorities for 2024/25 have been developed in consultation with Children Services Director, Assistant Director, Head of Strategic Commissioning, and relevant Heads of Services, as well as the Procurement Team.

Where appropriate, wider consultation will and has occurred across the wider Bristol, North Somerset and South Gloucestershire (BNSSG) system to include all partners and stakeholders.

In addition, wider consultation and co-production of services is beginning to be developed with children and young people and their carers/families to ensure that services that are being commissioned, are outcome focused and of the quality and standard we would expect.

5. Financial Implications

The children's placements budgets have been increased by £5.4m in 2024/25 to reflect the growth in numbers and increasing complexity of needs. A further inflationary uplift of £0.72m has also been applied, giving total growth of £6.12m.

However, given the growth in numbers of children being supported by the council, it is imperative that further measures are taken if the overall costs are to be contained within the budget in the new financial year. To that end, it is anticipated that the commissioning intentions described will result in financial benefits for the Council. This includes:

- Lower/mitigated cost growth through economies of scale
- Reduction in the use of expensive out of area or "spot" placements due to the development of capacity within the market.
Reduced inflationary/cost uplifts through the development of strategic relationships with providers.

Costs

NA

Funding

N/A

6. Legal Powers and Implications

The services considered in this Commissioning Intentions and Priorities report meet our statutory requirements in line with the Children Act (1989); Children's and Families Act (2014), Equality Act (2010), Children and Young Person Act (2008), Adoption and Children Act (2002), Children (Leaving Care) Act (2000).

In addition, the Corporate Procurement Policy is adhered to, alongside the Contract Standing Order Rules.

7. Climate Change and Environmental Implications

Responding to the Climate Emergency is a council-wide commitment.

The environmental implications of the commissioning of these services will be considered as part of the procurement process in accordance with the Council's Procurement Strategy 2021-2025 and Social Value procurement guidance. In February 2019 the council declared a Climate Emergency and an Ecological Emergency in November 2020 and pledged to provide the leadership to enable North Somerset to become carbon neutral by 2030. All opportunities to inform and

work with service providers to tackle the climate emergency, reduce carbon emissions, build adaptation and resilience to the local impacts of a changing climate and to restore nature should be taken. The provision of locally accessible services is essential to supporting the take up of low carbon active travel such as walking and cycling.

A thorough risk assessment will have been completed by the lead authority in any procurement activity and any procurement led by NSC will also undergo a risk assessment as part of the process.

8. Risk Management

An overall risk rating of LOW has been determined, applying the principles of the corporate risk scoring matrix.

This has been achieved by considering that the impact of any delays in delivering the commissioning intentions could be considered medium / high due to the impact of our statutory duties in respect of our duty of care and risks to vulnerable residents.

However, the perceived likelihood of significant delays in these commissioning intentions would be considered rare.

This is mitigated by bringing together all the identified commissioning priorities into a single place which creates an opportunity to ensure that we maximise our efficiency as commissioners and look for opportunities to align priorities across the department and reducing duplication.

Further mitigation is supported as a thorough risk assessment will also be completed by the Procurement and the Children's Services Commissioning Team, against each individual activity, the results of which will be detailed in any Procurement Plan and will be monitored and mitigated throughout the procurement process and subsequent contract monitoring.

9. Equality Implications

Have you undertaken an Equality Impact Assessment? Yes

For each commissioning priority an EIA has or will be undertaken at the stage of planning & procuring / developing services. Equality implications then continue to be considered within the monitoring and review of services.

To ensure that equalities issues and implications have been fully considered as part of each of the commissioning activities, the equalities impact assessments are reviewed by the Head of Service, and where required, guidance and support is sought from the council's equalities officer before procurement commences.

10. Corporate Implications

There are no known corporate implications, however, where a commissioning activity is likely to cross over into another Directorate, appropriate consultation will be undertaken.

11. Options Considered

The nature of most of our activity is statutory and therefore an options appraisal will be undertaken as part of any commissioning activity to inform best practice and most appropriate provision to achieve the desired service outcome.

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Appendices:

Children's Services Commissioning Intensions Plan

Background Papers:

N/A