

**Bracknell Forest Council
Record of Decision**

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| Work Programme Reference | I118615 |
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1. **TITLE:** Procurement Plan for the Children's Residential Framework 2024

2. **SERVICE AREA:** People

3. **PURPOSE OF DECISION**

To seek approval to be part of a consortium that is tendering for a new Children's Residential Care Contract for a term of 4 years (with a further 4 optional extension years) from 1st October 2024 to 30th September 2028. The current Children's Residential Care Contract expires on the 30th September 2024. Bracknell Forest Council has been a partner in the current Children's Residential Framework with 20 other local authorities and will continue in the same partnership. The procurement and contract management of the Framework will be led by Southampton City Council.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive agrees to the recommendations contained in the Strategic Procurement Plan:

- i. That BFC enter into a partnership agreement (the Partnership) with 20 local authorities' where Southampton City Council will be the lead procuring authority for the procurement of a new framework for children's residential provision (4 + 2 + 2 year contract commencing in October 2024).
- ii. It is anticipated that the total expenditure by the Council through the South Central Children's Residential framework will be between £3,500,000 and £4,000,000 per annum, giving an estimated total expenditure for the initial four year term of £16,000,000. Approval of this Strategic Procurement Plan therefore authorises all future call offs from this Framework up to £16,000,000 for the initial 4 year term of the framework, and up to a maximum of £40,000,000 for the total 4 + 2 + 2 year term of the framework.
- iii. That at the Framework Board Meeting on the 12th December 2024, BFC votes for the following uplift approach for the new Framework recognising that a quorate (50%) decision needs to be reached which may be slightly different from BFC's preferred position:
 - Placements on the current residential framework will be uplifted in line with new framework placements.
 - Uplifts will be given annually at the start of the financial year from the second year of the framework onwards. This means providers will be eligible for their first uplift in April 2026 and every April thereafter.
 - Uplifts should be determined by Consumer Price Index including owner occupiers

- housing costs (CPIH) average for the year with a cap applied.
- The cap should be set at a maximum of 7-8%.
- Uplifts will apply to both existing and new placements

7. REASON FOR DECISION

1. The Strategic Procurement Plan provides detailed reasons for the above recommendations. To summarise, the reasons for the recommendations are:
2. **To help meet our statutory duties** - As a local Authority, our primary duty is to (provided for in section 22(3) of the Children Act 1989) safeguard and promote the welfare of looked after children. Commissioning services from the residential providers on this framework, complies with the functions, duties and powers of this Act and is one way that the Council ensures that it commissions a range of placement types to meet needs. In line with the Children and Social Work Act 2017 the Council must fulfil a number of key principles in how it carries out its duties as a corporate parent for its population of Looked After Children. Securing a range of high - quality accommodation for our Children and Young People is critical to our ongoing support to children in helping them achieve their independence and ambitions.
3. As of 30th September 2023, BFC had 149 looked after children. There is only one children's residential provider with homes in Bracknell Forest (a specialist provider of care for boys and young males who have displayed sexually harmful behaviour). There is also a shortage of children's residential homes in neighbouring local authorities. Bracknell Forest Council prefers to utilise In House Foster Carer's where possible for Looked After Children. However, where a child has particularly complex needs which cannot be met by foster carer's, a residential placement may be required. BFC prefers to find residential placements using the childrens residential framework but when this isn't possible the Placements Officer spot purchases residential placements.
4. **Usage and spend** - Over the last 2 years, operational teams have shared some challenges in identifying framework placements for children – however data shows that usage of the framework has been increasing year on year. The total cost to be part of the South Central Children's Residential Framework for the 6 financial years to date has been £26,130.41. For the new framework there is an estimated one-off upfront procurement cost of £3-4K and an estimated annual management fee of £4,500 - £6K which is relatively low.
5. The Council has taken an active role in developing its in- house fostering provision and focus on step down from residential provision over recent years. However, for some children with complex needs residential provision will be required.
6. **Market management and engagement and choice** – As a small unitary being part of a framework with other local authorities, increases the Council's influence in a highly challenging residential Market.
7. **Compliance and best practice** - The Competition and Markets Authority report published in March 2022 noted that working together can make local authorities more effective and that collaborative procurement strategies can strengthen the bargaining position of local authorities. Significant spot purchasing does not align with Procurement regulations and so there is a clear need for the council to operate within requirements.

8. **Quality, Procurement and Contract Management functions** provided by Southampton City Council help reduce the workload and risk for the Council. There are set contract terms that providers must abide by.

9. **A clearer, more transparent uplift process which meets the needs of member local authorities and providers** - In recent years providers have increasingly left the framework due to a lack of inflationary uplifts which has led to member local authorities having to make more expensive placements with spot providers (and spot placements with providers who had moved off framework). The new process will hold prices for the first 18 months and thereafter there will be an annual uplift process. The recommended approach balances what will likely be acceptable to the market with minimising the impact of uplifts for as long as possible for member local authorities.

8. **ALTERNATIVE OPTIONS CONSIDERED**

1. The Alternative Options are outlined in more detail in the Strategic Procurement Plan:

2. **Do Nothing (do not re-join the current framework)** – spot purchase all residential placements. Prior to joining the framework in 2018, the Council previously spot purchased all its residential placements and it is widely recognised that this approach isn't usually effective or offers value for money and does not meet procurement regulations.

3. **To join a different Residential Framework** - other residential frameworks/dynamic purchasing vehicles were identified, however none of the other arrangements offer a better geographic fit than the South Central Children's Residential Framework or equivalent value for money.

4. **To lead our own residential framework** - this would provide a compliant route to market but given the relatively low number of children's residential placements that the Council commissions, such a tender would be unlikely to attract a great deal of interest.

5. **To block purchase residential provision with a local provider** – this is an option that is also being considered as a future commissioning approach in partnership with a neighbouring local authority. However, this needs to be in conjunction with membership of the Children's Residential framework as having access to framework providers would still be required to meet demand.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: People

10. **DECLARED CONFLICTS OF INTEREST:** None

| Date Decision Made | Final Day of Call-in Period |
|--------------------|-----------------------------|
| 23 January 2024 | 31 January 2024 |