



Oversight and Governance

Chief Executive's Department
Plymouth City Council
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Published 04 December 2018

CABINET

Tuesday 11 December 2018
2 pm
Council House, Plymouth

Members:

Councillor Evans OBE, Chair

Councillor P Smith, Vice Chair

Councillors Haydon, Coker, Dann, Lowry, McDonald, Penberthy, Jon Taylor and Tuffin.

Members are invited to attend the above meeting to consider the items of business overleaf.

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

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Tracey Lee

Chief Executive

Cabinet

Agenda

Part I (Public Meeting)

1. Apologies

To receive apologies for absence submitted by Cabinet Members.

2. Declarations of Interest

Cabinet Members will be asked to make any declarations of interest in respect of items on this agenda. A flowchart providing guidance on interests is attached to assist councillors.

3. Minutes: (Pages 1 - 6)

4. Questions from the Public

To receive questions from the public in accordance with the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Plymouth City Council, Ballard House, Plymouth, PL1 3BJ, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least five clear working days before the date of the meeting.

5. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

6. Leader's Announcements

7. Monthly Activity Round Up

8. Pledges (Pages 7 - 10)

9. Tamar Bridge and Torpoint Ferry Future Funding (Pages 11 - 20)

10. Peninsula Residential Children's Homes placements tender - (Pages 21 - 82) contract award report

Agenda

Part II (Private Meeting)

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following items on the agenda on the grounds that exempt information (as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) is likely to be disclosed.

- 11. Peninsula Residential Children's Homes placements tender - (Pages 83 - 88)
contract award report**

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Cabinet

Tuesday 13 November 2018

PRESENT:

Councillor Smith, in the Chair.

Councillor Jon Taylor Vice Chair.

Councillors Haydon, Coker, Dann, Lowry, Penberthy, P Smith, Jon Taylor and Tuffin.

Apologies for absence: Councillors Evans OBE and McDonald

The meeting started at 3pm and finished at 4.55pm.

Note: The full discussion can be viewed on the webcast of the City Council meeting at www.plymouth.gov.uk. At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

56. **Declarations of Interest**

Name	Minute Number	Reason	Interest
Councillor Jon Taylor	65	Employee of NEW Devon Clinical Commissioning Group	Personal
Councillor Mark Coker	67	Licence holder	Disclosable Pecuniary Interest.

57. **Minutes**

The minutes of the 9 October 2018 were agreed.

58. **Questions from the Public**

There were no questions from members of the public.

59. **Chair's Urgent Business**

There was no items of Urgent Business.

60. **Leader's Announcements**

Councillor Tudor Evans OBE (Leader) (via video) –

- Barden Corporation job Losses
- Oceansgate Enterprise Zone

61. **Monthly Activity Round Up**

Councillor Smith (Deputy Leader)

- GMB “Making it Campaign”
- Maritime Autonomous Systems Trials and Evaluation Centre at Turnchapel Wharf
- Union Street Bridge
- Outdoor Play Improvements

Councillor Jon Taylor (Cabinet Member for Education, Skills and Transformation)

- Pledges – Operation Encompass
- Pledge – Awareness of Young Carers

Councillor Chris Penberthy (Cabinet member for Co-operative Development)

- Pledge 27 – Supporting building of new bungalows and extra care

Councillor Sue Dann (Cabinet Member for Environment and Street Scene)

- Pledge – Blocked drains and gullies

Councillor Ian Tuffin, (Cabinet member for Health and Social Care)

- Red Bag Scheme
- Improving hydration and nutrition in care homes
- PAUSE Project delivered by Trevi House

62. **Overview and Scrutiny: Report of the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee**

Councillor Jonny Morris (Chair of the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee (BILCO)) introduced the report from BILCO.

Following a debate Cabinet agreed to –

1. thank the Councillors of BILCO for their diligent consideration of the potential impact of Brexit on the City.
2. resolve to write to the representatives of Plymouth Manufacturing Group, Destination Plymouth, The University College of St Mark and St John and the University of Plymouth thanking them for giving their time and expert opinion.
3. note the progress made in implementing the recommendations it endorsed in September in relation to the Fishing and Fisheries Select Committee.
4. endorse BILCO’s recommendations in relation to the impact of Brexit on Higher Education with the amendments noted below.

4.1 to ask the Government to:

- (a) **clarify the status of EU citizens in the UK in the event of a ‘no deal Brexit;**

(Accepted) Reason – in spite of the progress made in implementing the Settled Status Scheme for EU migrants who will have 5 years residence in the UK by December 2020 there is still a lack of clarity in how this will be operated in the event of a ‘no deal’ Brexit.

- (b) **Take international students out the net migration figures and give an assurance that changes to immigration rules and visa requirements will not limit the ability of universities to attract and recruit world leading researchers and teachers;**

(Accepted) Reason – International students contribute an estimated £120m annually to our local economy. The Migration Advisory Committee (MAC) report on International Students recognised that although international student numbers have risen in recent years, the UK’s overall market share has fallen slightly and competitor countries are more active in recruitment. The MAC nevertheless rejected the suggestion made by many respondents to their call for evidence to remove International Students from net migration figures arguing that, “if there is a problem with students in the net migration target, it is with the target itself rather than the inclusion of students in that target”. Since the government has yet to commit to removing the target entirely we support the recommendation.

- (c) **Provide greater clarity on what the UK Shared Prosperity Fund might look like and where possible to negotiate close relations with existing structures such as Framework Programme 9;**

(Accepted) Reason – we anticipate details of the Shared Prosperity Fund will be published before Christmas 2018. The government may instead opt to maintain access to EU funding streams post Brexit. This will be clarified in the terms of the withdrawal agreement which will need to be in place by December 2018.

- (d) **Offer EU nationals continued access to UK research facilities and a matched funding scheme to support international collaborative research;**

(Accepted) Reason – the future ability of EU nationals engaged in research in the UK and vice versa to access research facilities is also likely to be clarified in the withdrawal arrangements.

- (e) **Allow us greater flexibility in how we use Adult Education and Schools funding and the residual balance of the Apprenticeship Levy.**

(Added) We want to use the funding we already have more flexibly to improve the performance of our secondary schools around STEM subjects and to support our development of an Apprenticeship/Skills hub, e.g. each year c£2m is spent on Maths and English retakes across the City. We would like to pilot the flexible use of funds provided by the Department of Education for adult education and schools to provide additional support to pupils at risk of failure.

- (f) **Devolve funding for further education, adult education and employment support programmes, enabling greater local control of careers’ advice and guidance.**

(Added) We have one of the most centralised employment and skills systems in the developed world. Local areas have little ability to influence priorities, funding or

delivery. With over 13,000 people in our City in receipt of Employment Support Allowance we see the need for specific measures to support adults who have spent significant periods out of work through ill health. Businesses are an essential part of the local conversation to re-engineer the education and skills landscape so that industry directly benefits from developing the local workforce.

(g) Higher education sector to collaborate with the Plymouth Growth Board and/or Destination Plymouth to consider how best to market the City internationally as an attractive place to study and as a destination for employers and employees.

(Amended) Reason – the amendment locates lead responsibility with the University of Plymouth.

5. to receive a further report in February 2019, covering the work BILCO expects to undertake in November 2018 and January 2019, in the context of the Administration's Pledge to undertake and publish research on the economic impact of Brexit both positive and negative.

63. Overview and Scrutiny: Recommendations Debt Recovery and Enforcement

Councillor Richard Ball (Chair of the Performance, Finance and Customer Focus Overview and Scrutiny Committee) introduced the report on Debt Recovery and Enforcement.

Following a short debate Cabinet agreed to support the recommendations made by the Performance, Finance and Customer Focus Overview and Scrutiny Committee review of Debt Recovery and Enforcement Scrutiny and that the Portfolio Holder would monitor the progress of the associated actions.

64. Customer Experience Peer Challenge Action Plan

Councillor Sally Haydon (Cabinet Member for Community Safety and Customer Focus) introduced the report on the Customer Experience Peer Challenge Action Plan for approval.

Following a short debate Cabinet agreed to-

1. extend its thanks on behalf of the Council to the Peer Challenge team for their work;
2. note the content and recommendations of the LGA Customer Experience peer Challenge Report of July 2018 at Appendix I;
3. endorse the Council's response to the 'quick wins and practical actions', and the recommendations of the report at Appendices II and III;
4. ask the Performance, Finance and Customer Focus Overview and Scrutiny Committee to consider the report and the Council's response and to propose how it might contribute to the development and delivery of the Council's Customer Experience Programme.

65. Independence at Home Contract

Councillor Tuffin (Cabinet Member for Health and Adult Social Care) introduced a report on the Independence at Home Contract.

Following a short discussion Cabinet agreed, having considered the Part II report, to

1. to approve the in-principle decision for the service to be brought back in-house – with day to day management support services being provided by Livewell Southwest;
2. to recommend to the Leader to make the final decision to bring the service back in-house subject to satisfactory completion of due diligence by officers.

66. **Co-operative Economy**

Councillor Chris Penberthy (Cabinet Member for Co-operative Development) introduced the report Co-operative Economy for approval.

Following a short debate Cabinet agreed to-

1. note the Mapping Study
2. accept and adopts the Co-operative and Mutuals Strategic Action Plan for doubling the size of the sector by 2025
3. support work to explore establishment of a capital investment fund that will enable delivery of the Strategic Action Plan over 4 years. Allocation of any Plymouth City Council budget or borrowing will be subject to the normal governance procedures.

67. **Licensing Act 2003 - Statement of Licensing Policy**

Councillor Sally Haydon (Cabinet Member for Community Safety and Customer Focus) introduced the report on the Customer Experience Peer Challenge Action Plan for approval.

Following a short debate Cabinet agreed to-

1. recommend to the City Council that the draft Licensing Statement of Policy contained in Appendix A is adopted with effect from 31 March 2019;
2. recommend to the City Council to retain the Special Policy on Cumulative Impact following Cumulative Impact Assessments for each of the following areas:
 - Union Street (including Derry's Cross)
 - Barbican
 - North Hill
 - Mutley Plain
 - Stoke
3. authorise officers to undertake a further Cumulative Impact Assessment consultation regarding the extension to the North Hill cumulative impact areas as recommended by Devon and Cornwall Police.

(Councillor Coker was absent for this item due to interests declared)

68. **Housing Improvement and Civil Penalties Policy**

Councillor Chris Penberthy (Cabinet Member for Co-operative Development) introduced the report Housing improvement and Civil Penalties Policy for approval.

Following a short debate, Cabinet agreed the Housing Improvement Policy 2018.

69. **Controlled Parking Zone Policy**

Councillor Mark Coker (Cabinet Member for Strategic Planning and Infrastructure) introduced a report on changes to the Controlled Parking Zone Policy for approval.

Following a brief debate Cabinet agreed to approve the changes to the Councils Controlled Parking Zone Policy, as set out in the briefing paper, to ensure the Councils CPZ policy reflects the Councils values and priorities.

70. **Corporate Plan 2018-22 - Quarter Two 2018/19 Update**

Councillor Mark Lowry (Cabinet member for Finance) introduced the report and provided Cabinet members with highlights from the report. Following a short discussion Cabinet agreed to -

1. note the additional key performance indicators reported in quarter two;
2. note the Corporate Plan Quarter Two Performance Report.

71. **Quarter 2 Finance Revenue and Capital Monitoring Report**

Councillor Lowry (Cabinet member for Finance) introduced the report following a short discussion, for the reasons set out in the report, Cabinet agreed to –

1. Note the current revenue monitoring position and action plans in place to reduce/mitigate shortfalls;
2. It is recommended that Cabinet approve the non-delegated virements which have occurred since 1st July 2018;
3. Cabinet are asked to recommend to Council that the Capital Budget 2018 -2023 is revised to £581.1m (as shown in Table 6);
4. to write to the Chancellor of the Exchequer, in letter signed by the Cabinet Member for Finance, calling for Plymouth City Council to be allocated its fair share of the additional £84 million announced in last month's budget for children's services;
5. to support the request (4 above) and make the case for extra funding, the Section 151 Officer and the Director of Children's Services are asked to provide a business case to support the request setting out why Plymouth City Council should be one of the 20 local authorities which are due to be selected by the Government to receive a proportion of the additional funding.

PLYMOUTH CITY COUNCIL

Subject: Completed Pledges
Committee: Cabinet
Date: 11 December 2018
Cabinet Member: Mark Lowry
CMT Member: Giles Perritt, Assistant Chief Executive
Author: Andrew Loton, Senior Performance Advisor
Contact Details Tel: 01752 307309
Email: Andrew.loton@plymouth.gov.uk

Ref:

Key Decision: No
Part: 1

Purpose of the report:

To provide a “pledge on a page” overview of two pledges recently completed. For Cabinet to note completion of pledges;

- Pledge 79 - We will create more parking spaces in the West End to help support local businesses.
 - Pledge 100 - We will re-commit Plymouth to become a carbon neutral city by 2050.
-

Corporate Plan

Pledge updates compliment reporting against the Corporate Plan. Pledge completion is undertaken fully in line with the Council’s values.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

All resource implications have been considered and incorporated within the MTFs and Business Plans.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Pledge completions complement the Council’s existing policy framework with respect to the above.

Equality and Diversity

Where potential equality and diversity implications are identified from the implementation of any new activities arising from the pledge completion, assessments will be undertaken in line with the Council’s policies.

Recommendations and Reasons for recommended action:

Alternative options considered and rejected:

None:- This update forms part of the Council's agreed performance management framework.

Published work / information:

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Pledge 79										
Pledge 100										

Sign off:

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Originating SMT Member Giles Perritt													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

FOR THE CITY CENTRE

Pledge 79 – More parking in the West End

What we said we will do: We will create more parking spaces in the West End to help support local businesses.

What we wanted to achieve: Delivery of a significant number of additional parking spaces in the West End of the City to provide improved accessibility to shops to support local businesses in the area.

What we have done: We have created over 190 new spaces in the West End.

On 24 September we re-opened the former Toys R Us car park, delivering 160 new spaces. Works also included a refurbishment of the former Toys R Us car park through the remarking and signing of the car park, installation of new CCTV linked to the Council's CCTV Centre, new payment systems which accept coins, card and the ability to pay by mobile phone, alongside a complete spruce-up with fresh paint.

This work swiftly followed a review of existing West End car parks (City Market, Woolworths East and Woolworths West) where we were able to increase parking by a further 30 parking spaces.

We have delivered additional support at Christmas; from 15 December, parking will be £1 from 3pm for each late night Thursday leading up to Christmas at Western Approach car park. This concession is aimed at getting families to come into the West End, straight from the school run, to take advantage of the £1 fee.

What's next: We will deliver further improvements to the City Market and Mayflower West parking for Christmas. We are currently consulting on further changes to support West End businesses and advertising proposals to deliver further changes, such as extending the maximum stay at the City Market from one to two hours. This recognises the additional eateries available at the market where people may need that little bit longer. We are also introducing short stay 'shoppers' tariffs' at the Mayflower West car park, which will mean that more parking is available to shoppers to support the West End.

Find out more!

Here are some news stories about our work to deliver the pledge:

<http://plymouthnewsroom.co.uk/toys-r-us-parking-u/>

<http://plymouthnewsroom.co.uk/late-night-christmas-shoppers-can-park-pound-western-approach/>

<http://plymouthnewsroom.co.uk/changes-two-city-centre-car-parks-help-shoppers-visitors/>



FOR A GREENER, CLEANER PLYMOUTH

Pledge 100 – A Carbon Neutral City by 2050

What we said we would do: We will re-commit Plymouth to become a carbon neutral city by 2050.

What we wanted to achieve: Play our role in combatting climate change by reducing our carbon footprint.

What we have done: Plymouth has renewed its pledge to not only be a carbon neutral city by 2050 but to halve emissions by 2034.

500 homes have been installed with more energy-efficient LED lights (7,000 light bulbs), draught excluders, hot water cylinder jackets, heating controls and energy monitors. Plymouth Energy Community Advisors have helped families save on average £283 by switching energy suppliers.

More than 30 schools and community buildings have solar installations, saving them £80,000 last year. In the last two years, 10 schools and community buildings, including Mount Edgumbe, had over £200,000 of LED lighting installed, saving more than £42,000 from their energy bills.

We have carried out exploratory drilling in the city centre to see if hot rock could help heat offices and regeneration projects, reducing dependence on fossil fuels.

Our Plymotion team encourage people to try cleaner, cheaper and healthier travel. We have invested in more bus lanes and cycle routes so that people can leave their cars at home. Finally, we helped to install 24 electric charge points, including 12 in public car parks and other locations such as Derriford Hospital, Mount Gould Hospital, Cumberland and Thornberry Centres, and City College Plymouth – all for public use.

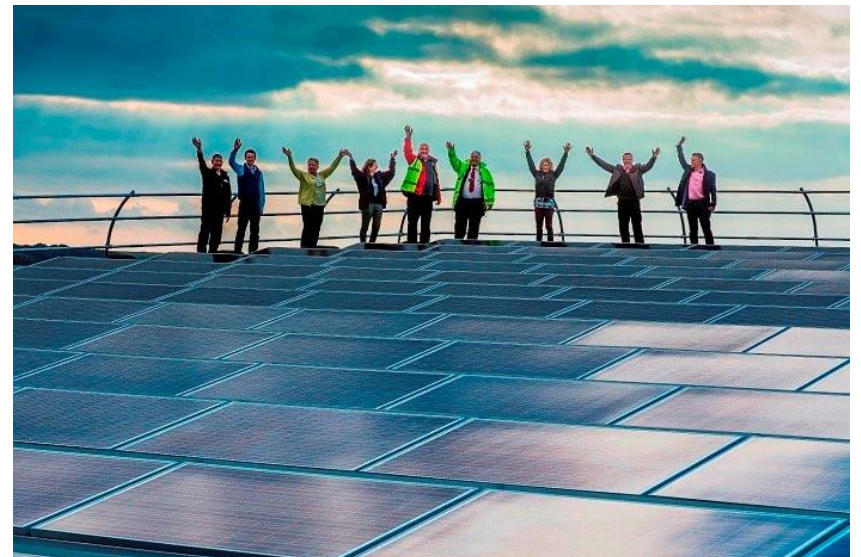
What's next: The Council has many more plans in the pipeline, including expanding levels of renewable energy, making another 500 homes more energy efficient, providing new heating to 200 more homes through our Warm Homes Fund, and driving a step change in the use of low carbon transport.

More electric charging points are on the cards, with a charge point at the Plymouth Road Lidl store and one at the new retail park at Marsh Mills secured as part of planning permissions. Finally, new industrial units are also being built to a more environmentally friendly specification.

Find out more!

Here is a news story about our work to deliver the pledge:

<http://plymouthnewsroom.co.uk/plymouth-marks-10th-anniversary-climate-change-act/>



PLYMOUTH CITY COUNCIL

Subject: Tamar Bridge and Torpoint Ferry
Future Funding

Committee: Cabinet

Date: 11 December 2018

Cabinet Member: Councillor Mark Coker

CMT Member: Anthony Payne (Strategic Director for Place)

Author: David List, General Manager Tamar Bridge and Torpoint Ferry

Contact details Tel: 01752 812233
email: david.list@tamarcrossings.org.uk

Ref:

Key Decision: No

Part: 1

Purpose of the report:

The Tamar Bridge and Torpoint Ferry are operated, maintained and improved jointly by Plymouth City Council and Cornwall Council on a 'user pays' principle, being funded by toll income using powers derived from the Tamar Bridge Act. The finances of the joint undertaking are effectively ring-fenced by the Tamar Bridge Act, and it is operated as a self-financing business. The crossings are governed by the Tamar Bridge and Torpoint Ferry Joint Committee (TBTFJC) comprised of five councillors from each of the parent Authorities.

TBTFJC's revenue and capital expenditure are funded entirely from Bridge and Ferry toll income and do not affect the budgets of either Plymouth City Council or Cornwall Council.

The undertaking last increased toll in March 2010, but over the last eight years costs have risen much faster than income, and a growing programme of essential capital projects has added to ongoing and future expenditure. As a result more income is needed to ensure the delivery of services and the protection of critical assets. This report covers TBTFJC's proposal to increase toll charges by 33% to ensure adequate income to meet forecast costs and sustain the undertaking as a self-financed operation. This represents an increase in the private car pre-paid TamarTag toll from 75p to £1.00 and in the private car cash toll from £1.50 to £2.00. These rises are approximately in line with inflation since the last toll increase.

TBTFJC's Terms of Reference require the Cabinets of the Joint Authorities to recommend TBTFJC's budgets to their respective Full Councils. Income is an element of the revenue budget and as such it is necessary for Cabinets to recommend any increase in toll charges to their respective Full Councils. In accordance with the Tamar Bridge Acts and the Transport Charges &c. (Miscellaneous Provisions) Act 1954 any increases in toll charges must be authorised by the Secretary of State.

A parallel Report will be presented to the Cabinet of Cornwall Council.

Corporate Plan

The Tamar Bridge & Torpoint Ferry links are key gateways to the City and provide opportunities for investment, jobs and growth particularly in the wider context of Plymouth as the regional economic centre.

Providing a safe well-maintained road network contributes to the economic well-being of the City, supporting the Council's Growth priority.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Finance – The proposed toll increase is required to adequately fund the operation maintenance and improvement of the two crossings to provide safe reliable and efficient services.

Continued delivery of the services relies on toll income for the undertaking to remain self-funded.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

Failure to deliver a safe reliable and efficient service and maintain the assets presents significant risk to users and the community as a whole.

Equality and Diversity

Not applicable.

Recommendations and Reasons for recommended action:

It is recommended that Cabinet recommends to Full Council that an application be made to the Department for Transport for tolls to increase by one-third, applied pro-rata to the current toll classification table, detailed as follows:

Proposed Schedule of Tolls effective from 1 July 2019

Class & Description	Current Charge	Proposed Charge
Class I (Motorcycles) – Tamar Bridge	£0.00	£0.00
Class I (Motorcycles) – Torpoint Ferry	£0.30	£0.40
Class II (private passenger vehicles, vans and light goods up to 3.5T and vehicles not classified elsewhere)	£1.50	£2.00
Class III (vehicles above 3.5T with two axles)	£3.75	£5.00
Class III (vehicles with three axles)	£6.00	£8.00
Class V (vehicles with more than 3 axles)	£8.25	£11.00

NOTES:

1. trailers, caravans etc charged at the same rate as the towing vehicle
2. discount rates for TamarTag crossings remain unchanged with a 50% discount of the full cash toll for each class of vehicle, excluding motorcycles using the Torpoint Ferry
3. charges for abnormal loads at both crossings remain unchanged
4. charges for special crossings of the ferry remain unchanged.

Alternative options considered and rejected:

A decision not to recommend the increase will severely compromise the delivery of services and the preservation of major assets.

Published work / information:

None

Background papers:

TBTFJC Agenda Pack for meeting 5 October 2018

<https://democracy.cornwall.gov.uk/documents/g8311/Public%20reports%20pack%2005th-Oct-2018%2010.00%20Tamar%20Bridge%20and%20Torpoint%20Ferry%20Joint%20Committee.pdf?T=10>

Minutes of TBTFJC meeting 5 October 2018

<https://democracy.cornwall.gov.uk/documents/g8311/Printed%20minutes%2005th-Oct-2018%2010.00%20Tamar%20Bridge%20and%20Torpoint%20Ferry%20Joint%20Committee.pdf?T=1>

Sign off:

OFFICIAL / OFFICIAL: SENSITIVE

Fin		Leg		Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

Introduction

- 1.1 The Tamar Bridge and Torpoint Ferry are operated, maintained and improved jointly by Plymouth City Council and Cornwall Council on a 'user pays' principle, being funded by toll income using powers derived from the Tamar Bridge Act. The finances of the joint undertaking are effectively ring-fenced by the Tamar Bridge Act, and it is operated as a self-financing business. The crossings are governed by the Tamar Bridge and Torpoint Ferry Joint Committee (TBTFJC) comprised of five councillors from each of the parent Authorities.
- 1.2 TBTFJC's revenue and capital expenditure are funded entirely from Bridge and Ferry toll income and do not affect the budgets of either Plymouth City Council or Cornwall Council. TBTFJC's Terms of Reference require the Cabinets of the Joint Authorities to recommend TBTFJC's budgets to their respective Full Councils.
- 1.3 This report covers TBTFJC's proposal to increase toll charges by 33% to ensure adequate income to meet forecast costs and sustain the undertaking as a self-financed operation. In accordance with the Tamar Bridge Acts and the Transport Charges &c. (Miscellaneous Provisions) Act 1954 any increases in toll charges must be authorised by the Secretary of State. If incremental increases in line with inflation were permitted they would have been more than adequate to cover rising costs.
- 1.4 Income is an element of the revenue budget and as such it is necessary for Cabinets to recommend any increase in toll charges to their respective Full Councils.

Background

- 1.5 The last increase in tolls was introduced in March 2010.
- 1.6 The undertaking maintains a contemporary financial model that forecasts income and expenditure approximately 10 years ahead. This model is regularly updated and monitored to identify any future issues with sustainability, particularly because the process for increasing income is a legal process that can take up to a year. The undertaking has adopted a policy of maintaining a minimum of £2m in reserves (approximately 2 months of current income) largely to provide a time buffer to manage risk and unforeseen events. The financial model as at 5 October 2018 can be seen at Appendix 1.
- 1.7 For the last 12 months the undertaking had been operating in deficit, with expenditure exceeding income, depleting reserves. This has been largely a result of the following :
 - general cost inflation
 - growth in the capital programme
 - increased scope of maintenance activities at both crossings
 - traffic - and therefore income - growing relatively slowly
- 1.8 The above depletion of reserves has been very much as forecast and a series of Member and officer workshops has been held over the past 12 months to consider the future finance strategy. It has been determined that a 33% increase in income is required to ensure that the operation maintenance and improvement of the two crossings is not compromised and that a minimum level of reserves of £2m can be maintained. The effect of a 33% increase on the October 2018 financial model can be seen at Appendix 2.

- 1.9 A public consultation exercise was undertaken in July and August 2018 in which nearly 40,000 users and stakeholders were offered the opportunity to contribute. The response rate was 12% which provides a reliable statistical sample. Views were sought on a range of issues including:
- variable pricing by time of day
 - relative toll levels at the two crossings
 - ratio of charges between bigger vehicles and cars
 - pre-payment (TamarTag) discount percentage
 - environmental impact
- 1.10 Feedback from the consultation was largely as anticipated and was on balance in favour of retaining current parameters to define the tolling structure.
- 1.11 At its meeting on 5 October 2018, TBTFJC considered the financial position and the public consultation findings and resolved to recommend to Cabinets that they in turn recommend to Councils that a toll revision application is submitted to DfT to increase tolls by 33% (modified where necessary to produce round number tolls.) The report to TBTFJC can be found at <https://democracy.cornwall.gov.uk/documents/g8311/Public%20reports%20pack%2005th-Oct-2018%2010.00%20Tamar%20Bridge%20and%20Torpoint%20Ferry%20joint%20Committee.pdf?T=10>. Based on current financial modelling, no further toll increase would then be needed until 2023
- 1.12 It is recommended that Cabinet recommends to Full Council that an application be made to the Department for Transport for tolls to increase by one-third, applied pro-rata to the current toll classification table, detailed as follows:

Proposed Schedule of Tolls effective from 1 July 2019

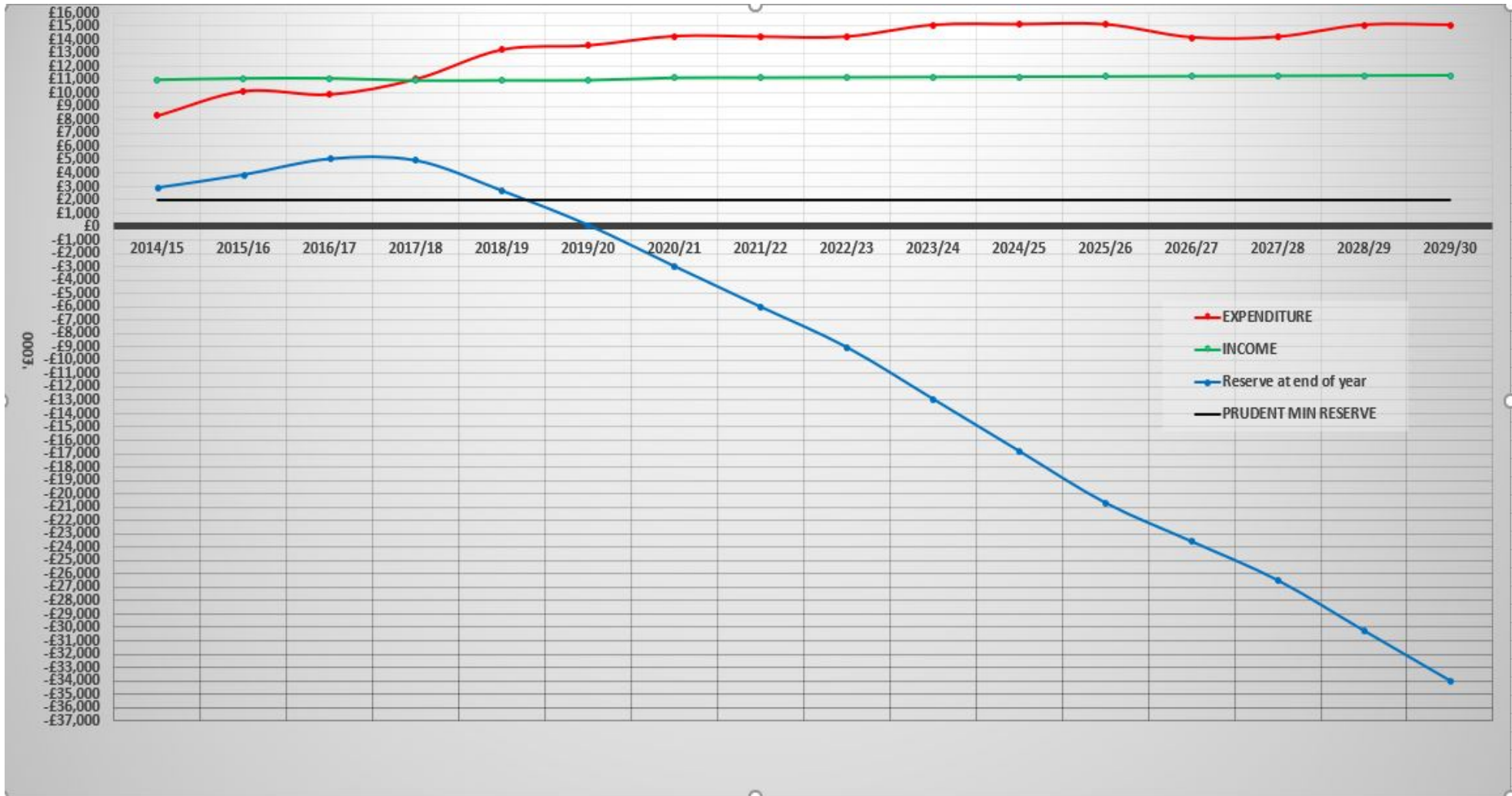
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NOTES:

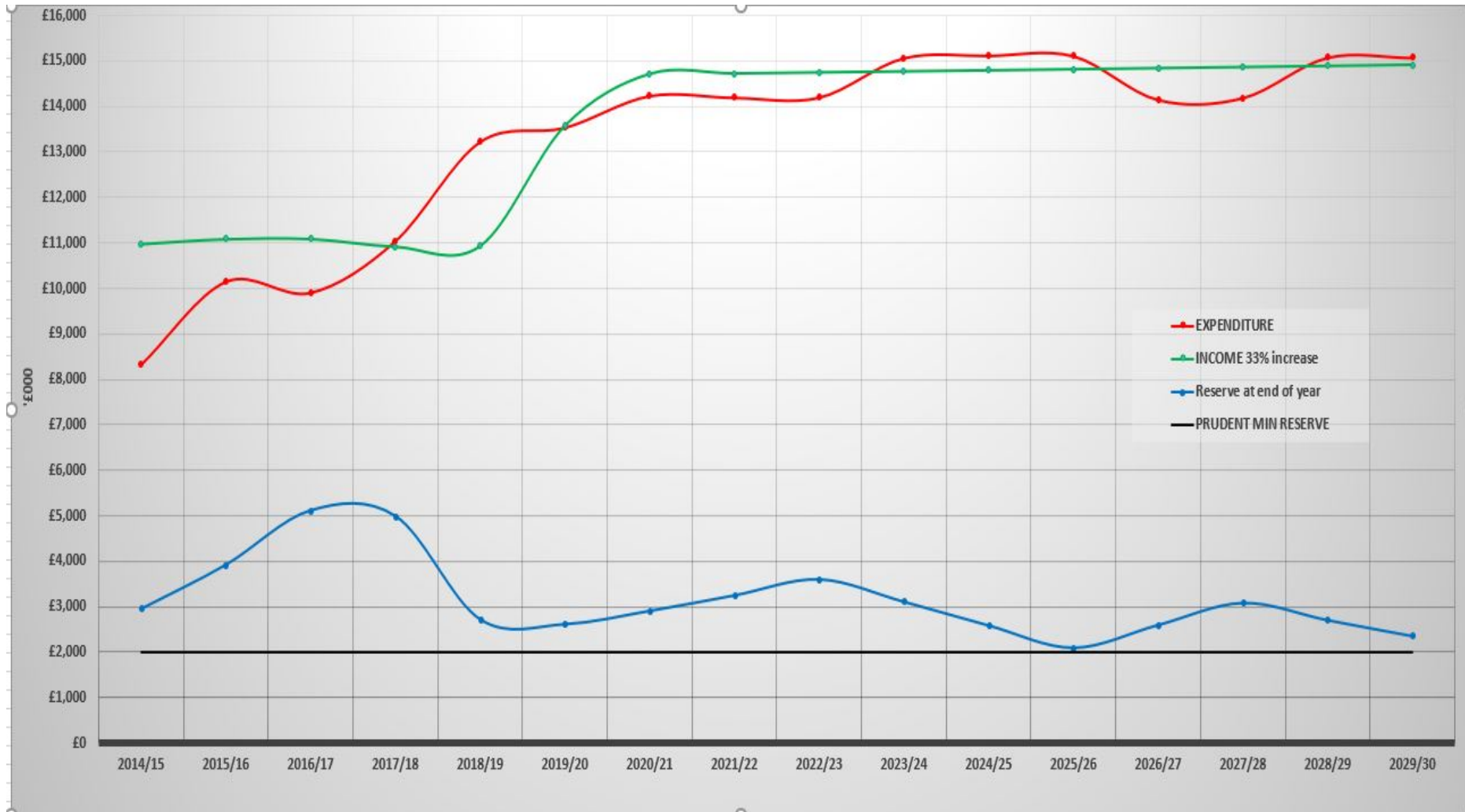
1. trailers, caravans etc charged at the same rate as the towing vehicle
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3. charges for abnormal loads at both crossings remain unchanged

4. charges for special crossings of the ferry remain unchanged.

Financial Model presented to 5th October 2018 Meeting – Position without Toll Revision



Financial Model presented to 5th October 2018 Meeting – Position with Toll Revision



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PLYMOUTH CITY COUNCIL

Subject:	Peninsula Residential Children's Homes placements tender – contract award report
Committee:	Cabinet
Date:	11 th December 2018
Cabinet Member:	Councillor McDonald
CMT Member:	Carole Burgoyne (Strategic Director for People)
Author:	Emma Crowther, Strategic Commissioning Manager, Co-operative Commissioning Team
Contact details	Tel: 01752 304009 email: emma.crowther@plymouth.gov.uk
Ref:	
Key Decision:	Yes
Part:	I

Purpose of the report:

This report relates to the outcome of a far south west Peninsula tender for the provision of residential children's home placements for children and young people in care. These are placements which are purchased from independent sector providers for Plymouth children and young people with more complex needs, who struggle to manage in a family home.

There is no statutory requirement to have a contract in place to purchase these types of placement, but to do so supports local authorities to ensure that providers are contractually committed to providing high quality placements for our most vulnerable children and young people.

Since 2006 Plymouth City Council has collaborated with Cornwall Council, Devon County Council, Torbay Council and Somerset County Council to commission placements from the independent sector. For the purposes of this procurement, Plymouth City Council has worked in partnership with Torbay Council, Devon County Council and Somerset County Council. Cornwall Council is making separate arrangements.

In February 2016 Cabinet approved a business case to re-procure the Peninsula placement contracts, in partnership with Peninsula local authorities, and with Devon County Council as lead procurer. This paper sets out the procurement approach taken for the residential contract within this suite, including the quality and commercial considerations for the tender and in managing the provider market post-procurement as effectively as possible. This agreement will replace the current Peninsula residential framework contract which has been in place since April 2013.

A separate Part II paper is also submitted with information on the tender submissions and the outcome of the tender which contains commercially confidential information.

The key drivers for the tender were:

- Improve the perception of the Peninsula Authorities as an attractive customer and an area in which to invest in developing provision;

- Improve local sufficiency;
- Achieve transparency of price and encourage a discounted price for local placements;
- Refresh the specification and contract terms and conditions to bring them up to date with current requirements;
- Quality assure children’s homes which are used on an ad hoc basis outside the Peninsula, with the overall aim of significantly reducing the use of these out of area providers and placements longer term;
- Set out an aspiration to work more closely with Peninsula providers to drive up the quality of care.

The current contractual arrangement expires on 31st January 2019. This Contract Award report recommends the award of new framework agreements to begin on 1st February 2019 for an initial period of 26 months (1st February 2019-31st March 2021), with an option to extend for a further 22 months (1st April 2021-31st January 2023).

The current anticipated annual spend across all four Peninsula authorities during the four year period of the contract is anticipated to be £122 million. Annual spend on residential placements by Plymouth City Council was £6.5 million for 2017/18; this represents a significant proportion of the budget for placements for children in care.

Plymouth City Council already has in place a contract for the provision of local children’s residential homes; the Caring in Partnership block contract, which began on 1st March 2018. The Peninsula contractual arrangements provide additional placement options for Plymouth children, for those placements not covered by the block contract or where children and young people need to be placed further away from Plymouth.

The Corporate Plan 2016-2019:

The tender process aligned with the Corporate Plan as follows:

Our Priorities	How the tender aligned with the Corporate Plan
<p>A Caring Council</p>	<p>The tender aims to ensure that children and young people in residential care are protected and kept safe from harm, to be able to progress and achieve positive outcomes. This will be achieved through the provision of good quality care for children and young people, provided in a homely environment by suitably skilled staff.</p> <p>The tender also aims to reduce health inequalities for children and young people in care through ensuring they have access to all required health services, and are supported by staff able to recognise any past trauma and respond appropriately.</p>

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

This Contract Award report relates to existing spend that will be set against the proposed budgets for independent sector placements for 2019/20 and beyond. The financial impact of the tender is set out in the Part II report.

The Peninsula residential framework agreement is part of a suite of actions aimed to try to manage and contain spending on placements for children and young people in care. The cost of providing residential care has been rising over recent years, particularly with increases in the National Living Wage and more robust training and support requirements for skilled staff able to manage complex needs.

The current Peninsula residential framework has been in place since April 2013 and prices have been held for the last five years as much as possible, with exceptions where providers were able to demonstrate a clear rationale for a price increase. It was therefore anticipated that a procurement of a new framework agreement would see some providers seeking price increases to reflect the cost of providing care. This needed to be balanced against the statutory requirement to have sufficient local placements for children and young people in care and the need to manage the provider market accordingly.

To mitigate against this, bidders were required to provide a full breakdown of their weekly fee, including any profit margin. This will also provide transparency of the hourly rates being paid to staff. The tender also sought to mitigate the impact of any increases in contractual prices by maintaining all existing placements on current weekly fees, so that only new placements made after the start of the new framework agreement being paid at the new rates.

In addition the tender included a new process for consideration of fee increases; under the new contract, weekly fees on the framework are frozen for the first two years of the contract, with a process for consideration of annual fee increases at the end of year two. The Peninsula authorities will control the process of proposing fee increases, by considering the costs of providing care in relation to:

- Any planned increases to the National Living Wage;
- The rate of the Consumer Prices Index (CPI), as compared to the start of the contract year;
- Any unforeseen and significant cost increases, for example regulatory fees;
- Benchmarking against similar local authorities.

The local authorities will then propose an annual % fee increase (or decrease), as a flat rate across the market. The process does not guarantee a price increase.

This process does not prevent providers or local authorities from seeking changes to individual placement fees at any point during the framework agreement, dependent on the needs of a child or young person. In this respect, fees are able to reduce as well as increase.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

The contract will have implications for child poverty and community safety by aiming to provide a stable, supported environment for children and young people to experience a safe home where they can progress and achieve.

Equality and Diversity

Has an Equality Impact Assessment been undertaken? Yes, by Devon County Council on behalf of the Peninsula Authorities

Recommendations and Reasons for recommended action:

It is recommended that a framework agreement (which does not commit the local authority to purchasing placements) is established with the residential providers listed in the Part II Report. The financial impact of the tender is set out in the Part II report.

Alternative options considered and rejected:**Two possible alternative courses of action were considered and rejected:****Revert to market rates:**

The current contractual arrangements are due to expire on 31st January 2019. Any further extensions to the existing framework would need to be through exemption. If the framework agreement was not tendered, individual placement prices for new placements would revert to spot purchase prices charged nationally, which are likely to be higher than currently paid, unless negotiated on an individual basis by commissioners. This would require additional staffing to support children's placement brokerage to enable all prices to be individually negotiated. Given the current high demand for residential placements nationally, it is not certain that providers would be in agreement to reduce their rates on a placement by placement basis.

Tender as individual local authorities:

Each local authority has the option to tender individually for services of this type. Plymouth has used this flexibility previously to commission a local residential block contract, to better meet the needs of children and young people in the city. However, there remains a need to have access to a range of children's home provision beyond the block contract, including provision at distance from the city for some children with specific needs. Our neighbouring authorities share this need.

Each local authority individually tendering for provision of this type would require duplication of resource to carry out a separate tender process. This would also place an additional burden on residential providers to respond to more than one tender at a time when we are seeking to minimise additional costs for the provider which may be passed onto placing authorities. This approach would also not have taken into account any benefits of the Peninsula Authorities collaborating commercially; with an annual spend of approximately £30 million on residential care across the four Peninsula Authorities, it was determined that the greatest benefit would be gained in shaping the provider market together, continuing a long-standing collaborative partnership.

Published work / information:

Not applicable.

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Equality Impact Assessment	X									
Peninsula Market Position Statement June 2016	X									

Sign off:

Fin	djn.18.19.133	Leg	MS/31563	Strat Proc	SA/PSF/487/CP/1118
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Originating SMT Member Craig McArdle, Director of Integrated Commissioning
Has the Cabinet Member(s) agreed the contents of the report? Yes

INTRODUCTION

The business case for proceeding with a Peninsula approach was approved by Cabinet in March 2016; work has been ongoing since then to engage with the provider market and devise the most effective approach.

This Contract Award Report is to recommend the outcome of an Open Tender to provide placements to Plymouth City Council and our Peninsula Partners – Devon County Council, Torbay Council and Somerset County Council. The placements in the scope of the procurement were:

- Residential children's homes
- Associated education provision

Residential children's homes are used for children and young people in care with a range of complex needs. Homes offering high quality care with skilled staff are demonstrably able to deliver positive outcomes for vulnerable children and young people.

For Plymouth City Council, residential children's homes are commissioned via two contracts: Caring in Partnership – residential block contract for placements in or near to Plymouth, and the Peninsula Residential Framework agreement.

The recommended providers for the establishment of the framework agreement are set out in the Part II report.

BACKGROUND

The Peninsula Children's Services Partnership residential tender is part of a wider approach to the commissioning and procurement of residential children's homes for children and young people in care.

For Plymouth City Council a block contract is in place (since 1st March 2018) with a number of carefully selected children's home providers, to build on local bed capacity over an initial three year period. At present there are 15 beds on the block contract, in or within 20 miles of Plymouth. However, this isn't yet sufficient to meet the needs of all Plymouth children and young people requiring care in a residential children's home (currently 36). Therefore, additional contractual arrangements are required to ensure the local authority can access residential beds in neighbouring Peninsula local authorities, and for some children, further away due to their specific needs and risks.

The weekly cost of placements in residential care is rising; an average increase of 16.59% for Plymouth children in 2017/18. This is largely due to the impact of the introduction of the National Living Wage, which has also required providers to increase sleep-in fees to be compliant with the legislation. Historically, wages in this sector have been relatively low, often said to be comparable with working in a supermarket. This proves a challenge when seeking to recruit and retain staff with the skills to work with very complex children and young people. Providers are also resisting attempts to reduce fees, other than through other contracting arrangements such as blocks; demand is currently so high that there is little incentive to negotiate.

In order to address these issues the key drivers for the tender were:

- Improve the perception of the Peninsula Authorities as an attractive customer and an area in which to invest in developing provision;
- Improve local sufficiency (statutory requirement);

- Achieve transparency of price and encourage a discounted price for local placements;
- Refresh the specification and contract terms and conditions to bring them up to date with current requirements;
- Quality assure children's homes which are used on an ad hoc basis outside the Peninsula, with the overall aim of significantly reducing the use of these out of area providers and placements longer term;
- Set out aspiration to work more closely with Peninsula providers to drive up the quality of care.

2. TENDER EVALUATION METHODOLOGY

The tender was run as an Open procurement process, by Devon County Council's Procurement team on behalf of the Peninsula. The Tender was advertised as per procurement regulations to all those providers able to deliver the service; Ofsted registered (or equivalent if in Wales) residential children's homes and associated Ofsted and DfE registered education provision.

Workshops were carried out prior to tender launch with providers to co-design the service specification and contract monitoring approach. A post-tender launch event was held on 21st September which enabled providers to ask questions about the tender approach. This was attended by 22 residential providers.

An online Supplier Questionnaire was used which asked for financial and technical information.

- Economic and Financial Standing
- Technical and Professional Ability
- Modern Slavery
- Additional Questions
- Insurance
- Skills and Apprentices
- Compliance with Equality Legislation
- Health & Safety
- Information Security
- Carbon Emissions Reporting
- Safeguarding

The tender was divided into three Lots:

- Lot 1 – Devon geographical area made up of Plymouth City Council, Devon County Council and Torbay Council
- Lot 2 – Somerset County Council's administrative area
- Lot 3 – outside the boundary of the Peninsula Partnership

When a placement is needed, Lot's 1 and 2 will be searched first, followed by Lot 3 if local placements aren't available. The current framework agreement covered the geography of the south

west (the former Regional Development Agency footprint), so any providers further away than Gloucester were excluded.

Compliant bids for the tender were received from 28 organisations, offering 855 beds in 217 homes. A number of providers submitted bids for more than one Lot. The table below sets out the geographical spread of the homes.

	Lot 1	Lot 2	Lot 3	All
Providers bid	9	9	21	28
Provisions bid	32	22	163	217
Beds bid	88	69	698	855

Currently there are approximately 86 children’s homes offering placements for emotional and behavioural difficulties, operating in the Lot 1 and Lot 2 geographical areas. 50 of these are on the current Peninsula residential framework contract (58% of the market). Some providers have always chosen to operate on a spot purchase basis, due in part to greater freedom to charge higher weekly fees.

55 homes across lots 1 and 2 have submitted bids to join the new framework, which represents 63% of the market, an improvement on engagement with the current framework. The framework agreement allows for providers to join the framework or for existing providers to add new provision at the end of year two; work with the market needs to be ongoing to encourage providers to work with the Peninsula Authorities. This replicates the current framework agreement, which has allowed new provision to be added during the lifetime of the agreement. This is to support the local authorities in their statutory duty to ensure sufficiency of local placements.

Procurement process:

Following successful completion of the Supplier Questionnaire, providers were required to submit the detail of the individual homes they wished to add to the framework. Homes had to be already registered with Ofsted or equivalent and have a current grading of at least Requires Improvement.

For Lots 1 and 2, each provider was required to provide a Development Plan, which will form the basis of contract management. The decision was taken not to require method statement submissions as the providers are all Ofsted registered. In addition the tender sought to drive a more collaborative developmental approach to conversations with providers. The Development Plans include the following sections to cover operational data, qualitative information and commentary on strategic development, which will be reviewed with the Lot 1 and 2 providers every four months to support conversations about the growth of local provision.

Key Performance Indicator	Measure
<p>Placement stability and permanence: Providers ensure that placements admissions are well planned and placements are well supported to remain stable.</p>	<p>Number of placements ended due to placement breakdown % of children and young people brought into placements where a compatibility/impact assessment was completed Placement transition completed within identified timescale where applicable Evidence of commitment to working in partnership to improve stability – support packages, and attendance at all placement stability and disruption meetings</p>
<p>Staffing: Providers ensure that at all times the workforce is able to efficiently respond to the demands of the service and that all employees are of sound nature and good professional character.</p>	<p>% of residential staff employed for 2 years or longer Percentage of staff leaving the organisation during the period Number of occasions agency staff used within the organisation Number and % of staff who have received disciplinary warning or dismissal Number of registered managers who have left the organisation or who have transferred Homes % of Homes operating without a Registered Manager, including Homes where there is an acting manager</p>
<p>Staffing: Providers ensure that staff are well supported and trained to meet the requirements of their role.</p>	<p>Regular supervision (at least 6 weekly), clinical supervision where appropriate, and appraisal (annual) of staff members % of staff that hold the required qualification for their role All mandatory (as determined by the specification) training is completed and updated as required</p>
<p>Safeguarding: Providers demonstrate an excellent understanding of the needs of young people placed and enable them to remain safe.</p>	<p>Number of LADO / MASH referrals Number of occasions that the Police have been called to the home Number of occasions that young people have been reported as missing Number of corresponding return home interviews completed Number of CYP who have been absent from education Number of physical interventions</p>
<p>Health: Providers ensure that children and young people placed are able to maintain good physical and emotional health.</p>	<p>Number of unplanned visits to a hospital following accident / injury Number of Peninsula young people currently accessing mental health services Number of Peninsula young people who are not accessing these services where this is a requirement of the Care Plan Number of Peninsula young people currently accessing substance misuse support Number of young people who are not accessing these services where this is a requirement of the Care Plan % of young people who are registered with a Doctor and Dentist within their local area % of young people who are ‘regularly’ averaging two hours per week engaging in physical activities Number of Care Plans where the outcomes for Health and Wellbeing are not being achieved</p>
<p>Voice of the Child</p>	<p>The views of children and young people placed are collected using a variety of means and demonstrably used to improve practice in the home</p>
<p>Leadership and management: Registered</p>	<p>Registered Manager receives regular visits (at least once a quarter) and support (weekly) from senior leaders</p>

Manager is appropriately supported and trained	Registered Manager receives training appropriate to managing the home and meeting the needs of CYP placed
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Overarching aim for Development Plan	Key performance indicators
Sufficiency: Detail of plans to develop local provision to enable Peninsula children and young people to be placed as close to home as possible	Providers are actively considering how to improve local sufficiency The care needs of Peninsula children and young people are considered when planning new Homes The geographical needs of Peninsula children and young people are being considered when planning new Homes Providers identify gaps in system support which would enable the growth of new Homes, and flag these to the Peninsula Authorities
Partnership working: Evidence of effective partnership working using a multi-agency approach, to achieve positive outcomes for children and young people	Providers proactively work with placing authorities and key agencies such as Health and Education to ensure that placement stability is achieved for each child and young person placed. Providers proactively work with appropriate services to escalate risk in relation to safeguarding including child exploitation and to work with partner agencies to formulate a risk management plan where required. Providers work proactively in collaboration for step down arrangements with fostering organisations and other appropriate partnership organisations. This includes identifying and highlighting to Peninsula children and young people who are ready to step down, and enabling fostering providers and other appropriate organisations to access the child or young person as agreed with the local authority.
Recruitment of workforce	Providers have plans to attract, recruit and retain staff so that staffing levels show stability Providers have contingency plans for managing staff vacancies
Training and development of workforce	Providers ensure staff are well trained to meet the complex needs of children and young people in their care and flex as those needs change Providers ensure continued professional development for their workforce. Providers use feedback from training to measure if this has improved performance
Leadership and Management: Quality of provision and regulatory performance	An effective home improvement plan is in place to improve the quality of provision and is monitored regularly, to anticipate any issues with performance The Provider references any issues raised by the local authorities during the previous period and provides information on how these have been dealt with.
Ofsted Updates	The Provider monitors Ofsted performance effectively and provides updates on inspection outcomes, feedback and action plans.
Notifiable Incidents / Complaints	The Provider monitors complaints to the Homes and the local authority. Includes information whether complaints are upheld and timescales for response.

Lot 3 providers (out of area) were not required to submit a Development Plan, but will also not have regular meetings with commissioners or be invited to provider forums. This is with the aim of reducing the use of these types of placement over the duration of the contract.

Providers had to submit a pricing schedule for each home they wished to add to the framework. The pricing schedule was designed to offer transparency of the weekly cost of a placement, including key elements such as staffing and support to the child or young person. The pricing schedule was broken down into the following elements:

- Accommodation costs
- Organisational costs
- Child/young person costs
- Staff costs
- Education costs
- Health requirements

In addition, providers submitted an information only schedule of rates for optional additional services which can be purchased at the discretion of the placing local authority, for example to reserve a placement as a solo placement for one child or to allow for therapeutic support if Camhs was not available.

The price element of the bids will be held on record and used for call-off purposes when individual children and young people are placed.

3. RISK EVALUATION

The following risks have been considered as part of the tender. The right hand column indicates whether this is still considered a risk for the implementation of the contract.

Risk	Impact/Opportunity	Mitigating actions	Current situation
Lack of bidders	Risk to placement sufficiency and increase in spot purchase	Provider involvement in key tender documents; post tender launch event held	Sufficient number of bids received; work will be ongoing to continue to engage providers who have chosen not to join the framework and encourage them to join at the two year point.
Unsustainable increases in prices	Risk to local authority budgets at a time of significant pressures. Conversely, not allowing any change could discourage a provider market facing increased costs to deliver good quality care	Current placement prices remain on current terms. New placements made on new prices. Prices frozen for the first two years of contract. Mechanism put in place for considering future pricing at the end of year two.	See part two report
Co-ordination of sign off processes	Delay to contract start if sign off processes across the four local authorities cannot be aligned	Dates for local authority signoff have been included in the procurement timetable	All sign offs on track for completion before the end of December

Contract implementation	Sufficient time to be allowed to implement the contract	Minimum implementation is required as current placements are remaining on the same terms and conditions	On track
Commitment of resources to monitor the contract	The contract will be more effective if collaborative and constructive relationships are maintained with providers; this requires time to analyse information, attend meetings and visit provision	The contract focuses on working closely with providers with local provision so that local authority resource is used in the areas where greatest impact is needed.	Shared Peninsula resources to be confirmed via discussions with Peninsula Partnership Board during winter 2018

4. CONTRACTUAL/LEGAL EVALUATION

The framework agreement gives no guarantee of business but sets clear expectations if placements are used.

Devon County Council shall be the lead authority with regards to the Framework Agreement. The contract terms and conditions used are bespoke to this tender and service type and have been approved on behalf of the Peninsula Authorities by Devon County Council's Legal team. The service specifications, Individual Placement Agreement templates and performance management frameworks are also bespoke to this tender to ensure commonality across the Peninsula Authorities and maximise partnership working.

Any Individual Placement Agreements will be individually entered into by the respective local authorities. Spend on Individual Placement Agreements is approved by the Service Director for Children, Young People and Families. A separate contract award decision shall be made in respect of Individual Placement Agreements.

REPORT ENDS

Impact Assessment

Version 2018

To publish, please send a dated PDF to impactassessment-mailbox@devon.gov.uk

Assessment of:	Re-Commissioning of Residential Children’s Home Placements for Children Looked After from February 2019. (Peninsula Framework Agreement)
Service:	Children’s Services

Head of Service:	Fiona Fleming, Head of Commissioning, Children’s Services, DCC
Date of sign off by Head of Service/version:	Signed: - Date:-
Assessment carried out by (incl. job title):	DCC Children’s Commissioning Team

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Section 1 - Background

Description:	The Peninsula Framework Agreement for Residential Children’s Homes will provide residential placements to meet and support the complex needs of children and young people. Placements will enable children and young people to achieve a period of stability, prepare for independence and, where needed, assist a move from residential care into fostering, family reunification or semi-independent provision. The Peninsula Framework Agreement will encourage providers to develop and sustain availability of residential placements in the South West, supporting children and young people in care whilst they remain as close to home as they can.
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	<p>The Peninsula framework agreement is a commissioning arrangement to allow for access to residential children's home placements within the south west region and out of area, with local placements being prioritised. This agreement is in partnership with the following authorities: Somerset, Plymouth and Torbay.</p> <p>The Local Authority holds a number of statutory duties relating to provision of these services for children in care under a number of pieces of legislation including: - Children Act(1989); The Southwark Judgement (May 2009), Keep on Caring :- Supporting Young People from Care to Independence (2016); Children & Families Act(2014); Special Educational Needs and Disability Code of Practice:- 0-25 years (2014); Care Act (2015); Children & Social Work Act (2017).</p> <p>The Framework Agreement will ensure the local authority meets its 'Sufficiency Duty' Section 22G of the Children Act (1989). The Children Act (2008) defines sufficiency as: "a whole system approach which delivers early intervention and preventative work to help support children and their families where possible, as well as providing better services for children if they do become looked after. For those who are looked after, Local Authorities and their Children's Trust partners should seek to secure a number of providers and a range of services, with the aim of meeting the wide-ranging needs of looked after children and young people within their local area." Local Authorities are required to take steps to secure, so far as is reasonably practicable, sufficient accommodation for children in care within their local area. The contract will also meet national priorities and programmes such as the Transforming Care Partnership(TCP). TCP aims to enable children and young people to remain as close to their home community as possible, and to support those who are placed outside their home area to safely return.</p> <p>An options appraisal has been undertaken to determine and shape the re-commissioning of these services from external providers, so they will best meet current and future needs of children and young people and meet demand and sufficiency of placements in the local area.</p>
Reason for change/review:	<p>Partners from across Devon County Council, Plymouth City Council, Somerset County Council, Torbay Council (and previously Cornwall Council) make up the Peninsula Children's Services Partnership. The partnership has been in existence since 2006 and in 2013 commissioned a Framework Agreement for Children's Placements. This Framework Agreement was comprised of 4 lots for delivery of a variety of placements including: - placements within Residential Children's Homes (Lot 1); Fostering Placements (Lot 2); Residential Special Schools (Lot 3) and supported accommodation placements for young people in care and eligible care leavers aged 16 plus (Lot 4). This Framework Agreement is due to end on 31st October 2018. The Peninsula Framework Agreement to be re-commissioned for delivery</p>

	<p>from February 2019 will replace Lot 1 of the existing Peninsula Framework Agreement.</p> <p>Quality of placements provided across the Residential Children’s Home market and stability of placements are key considerations for the design of the Framework Agreement to be re-commissioned.</p>
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Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	<p>The options for re-commissioning a Peninsula Framework Agreement for delivery of placements within Residential Children’s Homes for children in the care has been considered as part of an options appraisal.</p> <p>The recommendation from the options appraisal is to commission a 4-year, open Framework Agreement for delivery of placements within Residential Children’s Homes, with Devon acting as the lead authority on behalf of Peninsula partners. An entry point will be made available at year 2 to allow an opportunity for new providers to join the Framework Agreement. This Framework Agreement will be made up of three Lots according to geographic area. Lo1 will correspond with providers of placements within Residential Children’s Homes that fall into the administrative area of Devon County Council, Plymouth City Council and Torbay Council. Lot 2 will correspond with providers of placements within Residential Children’s Homes that fall into the administrative area of Somerset County Council. Lot 3 will correspond with providers of placements within Residential Children’s Homes that fall outside boundaries of Peninsula partners.</p>
Social/equality impacts (summary):	<p>Re-commissioning a Framework Agreement for delivery of placements within residential childrens homes for children in care has the potential to achieve a number of positive impacts. By ensuring there is an appropriate number and variety of residential placement within children’s homes available to Devon’s children in care, that best meet their needs, the demand for placements and which are also of high quality and available locally. Being in a stable and local placement is likely to improve children and young people’s emotional health and wellbeing including impacting positively on their self-esteem, their ability to feel included and willing to participate within the local community in which they are placed and facilitate in helping them to achieve the best possible outcomes in all aspects of their early lives. Provision of placements will also be based on enabling children and young people, who have achieved a period of stability, the possibly to be facilitated to step down from residential care into fostering, family reunification or semi-independent provision as/ when needed. This could allow some children and young people the chance to be brought up in families and to access environments where they feel</p>

	safe, warm and are nurturing places to live. In addition, the service specification will ensure placements for young people take account of protected characteristics such as gender, ethnicity and cultural wishes and their wider health and well-being.
Environmental impacts (summary):	N/A
Economic impacts (summary):	The Framework Agreement being commissioned provides an opportunity for a range of providers of residential placements in childrens homes, including smaller local organisations/ charities or larger national organisations/ charities to develop, establish or maintain services, their office base and staff in the South West peninsula. Opportunities may be made available for staff or other local contractors (of utilities, food, cleaning services for example) to ensure delivery of services over the life of the Framework Agreement.
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	With a good range and choice of skilled and experienced carers, placement stability and matching will be improved.
How will impacts and actions be monitored?	Impacts of the recommissioning will be monitored through: - <ul style="list-style-type: none"> • A risk register being in place for the project. This document will be updated to include 'unintended consequences' arising as the project progresses. Mitigating actions will be included on the risk register, monitored and risks re-assessed considering likelihood and impact using risk matrix. • Quarterly contract monitoring meetings with all providers. • Implementation of a Quality Assurance Framework for all providers on the framework. • Placements within Residential Children's Homes for every child will also be subject to statutory CLA reviews and statutory social work monitoring visits where specific outcomes such as: educational, health and wellbeing, safeguarding, independence, reducing offending and positive engagement of the young person are monitored. • Feedback received from children and young people accessing placements in Residential Children's Homes with providers included on the Framework Agreement. • Regulated activity. Providers delivering placements in Residential Children's Homes are also required to comply with the <i>Children's Home's (England) Regulations, (2015)</i>. As such all providers will be registered with Ofsted or an

	<p>equivalent regulatory body. Statutory bodies will inspect quality and compliance with standards routinely. Full inspections will be undertaken once a year with an interim inspection on a 6-month basis.</p>
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Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

<p>People affected:</p>	<p>For the participating local authorities this includes children and young people aged 0-18 years who are Children Looked After who are either accommodated voluntarily under Section 20 of the <i>Children Act, (1989)</i> or subject to Full Care Orders.¹</p>
<p>Diversity profile and needs assessment of affected people:</p>	<p><u>Reach:</u> - The Joint Strategic Needs Assessment (JSNA) Devon Overview (2018) indicates Devon has a population of around 780,000. Around 163,000 are children and young people aged 0-19 years. At September 2018, there were 727 children and young people in the care of Devon County Council. Of this number 198 were aged 16 and over, 248 were aged 11-15 years, 138 were aged 6-10 years and 143 were aged 0-5 years. At April 2018, Devon had 38 unaccompanied asylum-seeking children in their care. At 14th October 2018, there were 374 disabled children and young people accessing the Disabled Children’s Social Work Service². 79 were Children Looked After and 296 are Children in Need³.</p> <p>The 2018 JSNA also states “According to the 2011 Census, 8.6% of residents in Devon reported having a health problem or disability that limits their day-to-day activities a lot, and has lasted or is expected to last, at least 12 months. It is estimated that 14,800 people have a Learning Disability and 7,500 people have autism (National Autistic Society)” (p91).⁴</p> <p>“Devon has a higher than average proportion of children with SEN; and especially of children identified as having SEN relating to social, emotional, behavioural and mental health needs. In terms of future need, based on population projections, there may be approximately 400-600 more children with disabilities in 2021 than there are at present in Devon. There may be an additional small increase in children with complex needs due to factors such as increased survival of preterm babies; and a continuing rise in children with diagnosed autistic spectrum disorders due to historical under-recognition.” (p5)⁵</p> <p>There are higher levels of long-term health problems or disability, and lower levels of reported ‘good’ or ‘very good’ health</p>

¹ As the Framework Agreement is to be re-commissioned by Peninsula partners collaboratively, children who are in the care of Plymouth City Council, Torbay Council and Somerset County Council will also be eligible to access placements with providers on the Framework Agreement commissioned.

² This does not include cases where only financial support is being accessed/ provided.

³ The remainder are subject of Child Protection Plans.

⁴ Direct quote from the Devon Joint Strategic Needs Assessment Overview (2018)

⁵ Direct quote from Devon’s Joint Strategic Needs Assessment for Children and Young People with Special Educational Needs and Disabilities (SEND 2017).

in Plymouth compared to England. According to the 2011 Census, 10.0 per cent of Plymouth residents reported having a long-term health problem or disability that limits their day-to-day activities a lot and has lasted, or is expected to last, at least 12 months. The England value was 8.3 per cent. The 2011 Census also reported fewer Plymouth residents thought their health was 'good' or 'very good', compared to England. (Plymouth Report 2017).

In Torbay (2017) 175 children, 8.6 pupils per 1,000, are children with autism known to schools. The England figure is 12.5.

In Torbay (2017) 641 children, 31.6 pupils per 1,000, are children with learning disabilities known to schools. The England figure is 35.0.

In Torbay (2016) approximately 4.6% of all pupils have social, emotional and mental health SEND.

In the 2011 census, approximately 2.6% of Torbay young people aged 16-24 reported being limited a lot in their daily activities by a long-term health problem or disability. 4.4% reported being limited a little. Both are higher than the Plymouth, Devon and England rates.

Children and young people accessing placements within Residential Children's Homes are likely to have a range of support needs and vulnerabilities connected to for example trauma, neglect, family breakdown, attachments with primary care givers, challenging behaviours such as physical aggressive, emotional dysregulation, sexualised behaviour, mental health and wellbeing and possibly special educational needs and disabilities.

In 2017-18, 123 placements within residential children's homes were provided for Devon's children in 2017-18.⁶

Experience: - Devon have a Children in Care Council and a Care Leavers forum to facilitate in hearing the voice of our Children in Care and Care Leavers. The function is overseen by Devon County Council's Participation Team. During 2016 and 2017 these forums have explored children and young people's experiences of placement stability and 'What do I want from a placement?' As well as engagement with Devon's Unaccompanied Asylum-Seeking Children to create a 'Top Tips' resource for carers providing placements. The design of the Framework Agreement for delivery of placements within Residential Children's Homes has been influenced by the *Peninsula Commissioning & Procurement Partnership Market Position Statement: - Placements for Children and Young People* published in June 2016. This document contains the

⁶ This figure references placements made across the whole year, as such, it will include multiple entries for the same child in care who may have changed placement or been discharged and readmitted to care over the course of the year. This number also corresponds with a DfE definition of this placement type that includes residential special schools which are dual registered as children's homes. This data is included within and had been extracted from *Devon County Council's Sufficiency Strategy for Placements & Services for Children in Care, Care Leavers and Disabled children, 2018-2020*.

	<p>views of children and young people in care.</p> <p>Plymouth City Council has a Listen and Care Council and an active participation service, which works with a range of children in young people in care to gather their views and inform operational and strategic planning.</p> <p><u>Dependence:-</u> Placements provided by the Local Authority for our children in care are of fundamental importance in providing our children in care with the specialist support and intervention that best meets their specific needs and allows them to meet milestones, make opportunities accessible to them whilst allowing them to achieve the best possible outcomes to ensure they are happy, healthy, safe and prepared for adulthood and independence.</p>
Other stakeholders (agencies etc.):	<ul style="list-style-type: none"> • Devon County Council Children’s Services • Devon County Council Adult Social Work teams • Peninsula Authorities making up the Peninsula Children’s Services Partnership i.e. Plymouth City Council, Somerset County Council, Torbay Council • Schools/ colleges and Education Services • Northern, Eastern & Western Devon Clinical Commissioning Group • South Devon & Torbay Clinical Commissioning Group • Providers of Fostering Services for Devon’s Children Looked After
Consultation process and results:	<p>A market engagement event was held on 20th January 2018. The purpose of this event was to engage with the market and inform them of the intentions of the Peninsula offer and providing the market with an opportunity to provide any feedback. The presentation slides and information from this event was published on the Procurement Portal website for open access by the wider market.</p> <p>The development of the new contract for Children's Residential Homes has been informed by: the engagement feedback obtained from the market at the event on the 20th January 2018, previous contracts, monitoring meetings with providers; and studies of sufficiency.</p>
Research and information used:	<ul style="list-style-type: none"> • Joint Strategic Needs Assessment Devon Overview (2018) • Devon’s Joint Strategic Needs Assessment for Children and Young people with Special Educational Needs and Disabilities (SEND) 2018 • Power BI-Performance Dashboard for Devon County Council • Children’s Home’s (England) Regulations, (2015). • Ofsted https://www.gov.uk/government/organisations/ofsted

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|--|---|
| | <ul style="list-style-type: none"> • Devon County Council's Sufficiency Strategy for Placements & Services for Children in Care, Care Leavers and Disabled children, 2018-2020. • Peninsula Commissioning & Procurement Partnership Market Position Statement: - Placements for Children and Young People, June 2016. |
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Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	<p>In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage?</p> <p>Are there any lawful, reasonable and proportionate, unavoidable negative consequences?</p>	<p>In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, ‘close gaps’).</p> <p>In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?</p>
All residents (include generic equality provisions):	For children and young people in care who require a placement within a residential children’s home there would be a process of matching to ensure compatibility. The matching and assessment process helps to ensure placements will appropriately meet the needs of the child or young person and can be personalised appropriately to take account of the child or young person’s age gender, race, culture, religion, health, educational and disability needs and a formal assessment of the carers	The Framework Agreement to be commissioned would help to ensure there are an appropriate number and variety of placements within residential children’s homes that are available to Devon’s children in care, locally, that best meet their needs and the demand for placements. Where there are more local placements available to Devon’s children in care and that are personalised to best meet needs, this will result in greater placement stability. This could have a positive impact on children and young people who will feel safe, a sense of belonging, happy and will know where they stand. Local

	<p>abilities to meet needs.</p> <p>The design of the Framework Agreement being commissioned means that placements within residential children's homes will be used in a time limited and outcome focused way, working with children and young people in care to allow them to transition to supported living options or foster placements, for the latter increasing access to family-based care. This will allow children and young people the chance to be brought up in families and to access environments where they feel safe, warm and are a nurturing place to live.</p>	<p>placements will mean fewer children and young people will need to be placed out of area allowing them to stay connected to their families and friends where appropriate reducing the likelihood of them feeling isolated or alone. Being in a stable and local placement is also likely to improve children and young people's emotional health and wellbeing including impacting positively on their self-esteem, their ability to feel included and willing to participate within the local community in which they are placed and facilitate in helping them to achieve the best possible outcomes in all aspects of their early lives.</p> <p>The service specification for the Framework Agreement to be commissioned will require providers to have in place a robust and effective quality and performance management process. Providers will also be required to oversee a development plan for their residential children's home to ensure placements provided are of the highest quality and staffing teams have the right skills and expertise to best facilitate our children in care to achieve positive outcomes and their potential.</p>
Age:	We will aim to be sensitive to unforeseen negative impact and will monitor and respond on a case by case basis.	The service specification for this Framework Agreement will require providers of placements within residential children's home to be personalised to cater for specific needs of individuals but also account for needs of specific cohorts such as adolescents. This will also be facilitated by the requirement for providers to ensure they seek and hear the voice of children and young people in placements, using this to improve experience of children and young people in placements.
Disability (incl. sensory, mobility, mental health,	The service specification developed will ensure staffing teams providing care to children and young people in	The service specification developed will ensure a focus on emotional and physical health and wellbeing, including links to

<p>learning disability, ill health) and carers of disabled people:</p>	<p>placement within a residential children’s home to gain and access support that enables them to have the skills and expertise to meet the needs of a range of children and young people in placement including those with special educational needs and disabilities. This will support young people to be independent, develop skills and achieve outcomes to their highest potential.</p>	<p>other specialist services and therapeutic support for instance. Moreover, the service specification will require providers to consider reasonable adjustments and adaptations that can be made to living environments to ensure they best meet the needs of children and young people in care with disabilities. This will support young people to be independent, develop skills and achieve outcomes to their highest potential.</p> <p>Providers who are awarded a place on the open Framework Agreement being commissioned will need to return data and attend regular contract monitoring with contract lead to oversee quality and value of placements for children and young people in placement. Providers will be made aware of escalation processes.</p>
<p>Culture and ethnicity: nationality/national origin, skin colour, religion and belief:</p>		<p>Providers of placements within residential children’s homes are expected to consider culture and ethnicity in matching criteria. The service specification will ensure that there is a duty for the provider to recognise and support the cultural needs and the religion/ belief of young people. In addition, providers will be required to work with young people in placement from a range of ethnic groups ensuring young people are not discriminated against on these grounds. The Local Authority will monitor and respond on a case by case basis should they become aware of any issues encountered by young people due to these characteristics that result in discrimination, isolation, hate crime and lack of culturally sensitive services. There will be ongoing contract monitoring with providers and quality assurance processes.</p>

<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).</p>		<p>At this point there will be no adverse impact on the group. We will monitor and respond on a case by case basis. The service provider will deliver services to be re-commissioned in ways which recognise sex, gender and gender identity of children and young people being provided with a service. This can mean providing gender neutral toilets and ensuring children are treated in accordance with their gender identity and supporting children appropriately if they are undergoing gender re-assignment. There is also a requirement for views of children and young people to be regularly obtained and used to improve service delivery to ensure it best meets the needs. Providers will need to be equipped to deal with this and/or refer children and young people to the appropriate services. There will be ongoing contract monitoring with providers and quality assurance processes.</p>
<p>Sexual orientation and marriage/civil partnership:</p>		<p>At this point there will be no adverse impact on the group. We will monitor and respond on a case by case basis. The service specification and contract will require providers to be sensitive in delivering services in ways that are personalised to best support the needs of children and young people in placement and that they are not discriminated against on any of these grounds. There will be ongoing contract monitoring with providers and quality assurance processes.</p>
<p>Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.</p>		<p>The service specification will require providers to be able to support children and young people with preparing for adulthood and in obtaining the practical skills they need as they move towards independence and in the longer term to enable them as adults to be successful in achieving the best possible outcomes.</p>

Human rights considerations:	<p>The service recognises <u>Article 14</u> of the Human Rights Act: -The right to receive Equal Treatment and prohibits discrimination including sex, race, religion, and economic and social status in conjunction with the Equalities Act which includes age and disability. All staff and service users will continue to be treated fairly and their human rights will be respected. No adverse impact on human rights has been identified.</p> <p>Services to be delivered in ways which promote the United Nations Convention on the Rights of the Child. In particular: -</p> <ul style="list-style-type: none"> • Article 12 (respect for the views of the child): - Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. • Article 23 (children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families. • Article 6 (life, survival and development) Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.
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Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	Vulnerable children and young people are often disadvantaged by the circumstances of their childhoods, emotionally and physically, with fewer opportunities. This tender opportunity is part of ongoing work which tries to redress this gap by ensuring the child has access to a safe, warm, nurturing place to live. Furthermore, residential children's home providers are encouraged to be community based as far as possible and are expected to support the child or young person to participate within their local communities, to develop independence skills, build resilience and represent the child's voice in all formal review meetings.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	Residential children's homes are part of a highly regulated service and are closely monitored through statutory visits, annual reviews and Child Looked After reviews. All statutory functions seek to ensure that the child's needs are being met and they are around staying safe, being healthy, have access to education and opportunities to achieve resilience and improved emotional health and wellbeing.

In what way can you help people to be connected, and involved in community activities?	Residential children's home providers are encouraged to be community based as far as possible and are expected to support the child or young person to participate in a full range of activities within their local communities where there are appropriate opportunities for this and taking into account the interests of children and young people in placement.
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Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce waste, and send less waste to landfill:	N/A	N/A
Conserve and enhance biodiversity (the variety of living species):	N/A	N/A

Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	N/A	N/A
Conserve and enhance the quality and character of our built environment and public spaces:	N/A	N/A
Conserve and enhance Devon's cultural and historic heritage:	N/A	N/A
Minimise greenhouse gas emissions:	N/A	N/A
Minimise pollution (including air, land, water, light and noise):	N/A	N/A
Contribute to reducing water consumption:	N/A	N/A
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	N/A	N/A
Other	N/A	N/A

Section 4c - Economic impacts

	<p>Describe any actual or potential negative consequences.</p> <p>(Consider how to mitigate against these).</p>	<p>Describe any actual or potential neutral or positive outcomes.</p> <p>(Consider how to improve as far as possible).</p>
<p>Impact on knowledge and skills:</p>	<p>Cost of placements and services to be delivered to children and care including staffing expertise, training and knowledge that is likely to be required.</p> <p>Devon County Council will consider mitigations around cost with providers as part of contract monitoring and oversight.</p>	<p>Successful providers will need to ensure the staff within the service have the right skills to meet the needs of the children and young people accessing placements in residential children's homes. Detail of staff training, and oversight will be overseen as part of contract monitoring and quality assurance function. This will include an expectation to train staff in key areas e.g. Equality and Diversity, Safeguarding, as well as service-specific areas.</p>
<p>Impact on employment levels:</p>		<p>The Framework Agreement being commissioned provides an opportunity for a range of providers of residential placements in childrens homes, including smaller local organisations/ charities or larger national organisations/ charities to develop, establish or maintain services, their office base and staff in the South West peninsula. Job opportunities may be created by providers to ensure delivery of services meets demand over the life of the Framework Agreement.</p>
<p>Impact on local business:</p>		<p>The Framework Agreement being commissioned provides an opportunity for a range of providers of residential placements in childrens homes, including smaller local organisations/ charities or larger national organisations/ charities to develop, establish or maintain services, their office base and staff in the South West peninsula. Opportunities may be made available to other local contractors (of utilities, food, cleaning services for example) to ensure delivery of services over the life of the</p>

		Framework Agreement.
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Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	None identified that have a significant impact
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Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	<p>Services and placements commissioned and/or provided to children in care will support young people to feel empowered and have broadened life skills which could impact positively on their well-being and improve social value in years ahead.</p> <p>Please refer to the Social Value Matrix below:</p>
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Social Value Matrix

What opportunity exists to include added social value benefit to deliver improved social economic and environmental wellbeing through the procurement. Consideration must be given to the possibilities of securing added social value in the following areas:

Areas to be considered	Social Value	Added Social Value Benefits Identified
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Health		<p>Through the specification one of the outcomes sought for children and young people placed is that the child or young person enjoys good physical, emotional, mental and sexual health; has a healthy lifestyle, and has access to information about health issues that allows them to make informed choices as they grow up. Children and young people will be registered with a GP and dentist and be supported to access medical and dental care as required which will include their annual routine dental check.</p>
Training		<p>The specification states outcomes including Young People to be supported to promote and protect their physical, emotional and mental health through feeling safe enough to disclose past trauma in the confidence that they will not be rejected; NICE Guidance (2016) states that children's homes should ensure that staff have access to training from health or social care professionals with expertise in attachment difficulties who will:</p> <ul style="list-style-type: none"> • work with the residential staff group and identify any key attachment figures to work specifically with the child or young people in residential care; • offer parental sensitivity and behaviour training adapted for professional carers in residential care.
Community	<p>Happiness</p> <p>Wellbeing</p>	<p>Through the specification one of the outcomes from this contract is: The child or young person is actively involved in making decisions about their future; they develop self-confidence and are able to deal with change and other life challenges; they understand the effects of racism and discrimination and are able to challenge this behaviour; they demonstrate enterprise and a will to contribute to the well-being of others. The service specifications will be developed to ensure a focus on emotional and physical health and wellbeing, as well as links to other specialist services.</p>

Economic		The specification states that Young people will be supported to aspire and achieve, moving towards economic wellbeing by being supported to attend education and learning opportunities regularly;
Infrastructure	Health	Children and young people, wherever possible, are given the opportunity to visit the Home before they move in and be supported to feel at home, including the opportunity to personalise their bedroom.
Employment	Inclusion	Through the specification the voice of the children and young people will include the opportunity to give feedback - Children and young people will receive regular opportunities to give feedback on the quality of care they receive, and the Provider will demonstrate how these views have been incorporated into the delivery of the service and in progressing service improvement. Children and young people will receive regular opportunities at least monthly at children and young people's meetings to give feedback on the quality of care they receive. Young People will contribute to Regulation 44 – Independent Person Visits and Regulation 45 – Quality of Care reporting.
Communication	Empowerment	It is expected that the Council and the Provider will work together to ensure delivery of agreed outcomes for the child, which will be specified in the Individual Placement Agreement. This will include communication as agreed as appropriate between the Supervising Social Worker for the Provider and the Social Worker for the Council, as well as liaison with other professionals working with the child.

Environment

The Provider will promote the emotional health and wellbeing of the child or young person through the use of an “emotional health and wellbeing champion” in the Home.

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MARKET POSITION STATEMENT June 2016

Placements for Children and Young People



INTRODUCTION

The Peninsula Commissioning and Procurement Partnership is a longstanding collaboration between Cornwall Council, Devon County Council, Plymouth City Council, Somerset County Council and Torbay Council.

The Peninsula Partnership has been collaborating on the commissioning and procurement of independent sector fostering, children's homes and day and residential special school placements since 2006. The authorities jointly tender for services and co-operate on the monitoring of the quality of provision. The most recent Peninsula placements tender took place in 2012 and there have been regular opportunities for new providers to apply to join the frameworks or for existing providers to add provision.

The spend on the current framework contracts in 2014/15 was £68 million, compared to £64 million in 2012/13

Peninsula member authorities do not procure and commission all the services they provide for children and young people together. Areas for collaboration are identified and range from the sharing of information and good practice to joint procurement. Member authorities also work together in other ways to achieve positive outcomes for children and young people, for example through partnership working and integration with the Clinical Commissioning Groups, and collaborations such as Adopt South West.

The current frameworks expire in March 2017. This Market Position Statement is the basis upon which the Peninsula Authorities will shape the placement provider market during the tender of 2016/17 and beyond, to meet the needs of local children and young people. This document provides information about levels of need for Peninsula children and young people, an analysis of areas of strength and development under the current frameworks, as well as indicative future commissioning intentions.

This is the second Market Position Statement to be produced by the five Peninsula Authorities and demonstrates our continuing commitment to working closely with providers to secure sufficient supply and quality of placements.

The provision of quality care through safe and stable placements for children and young people is a key statutory function of all local authorities. The impact of living in a caring, aspirational and robust environment surrounded by caring and skilled adults and peers cannot be underestimated; research shows this is one of the building blocks for a solid base on which to overcome trauma, mature and grow into healthier, happier adults. Conversely, the devastation caused by repeated placement failures is far-reaching, including non-engagement with education, employment or training, vulnerability in relationships with peers or adults and poor mental health. Placement failure demoralises carers and staff, leading in some cases to them leaving their profession.

The table below illustrates the national challenges of working with vulnerable children and young people and achieving positive outcomes which will sustain them through to adulthood and beyond.

GCSE results for looked after children remain 40 percentage points below the average for children who are not looked after

In March 2015 39% of the 26,330 former care leavers aged 19-21 were not in education, employment or training, compared with 14.7% of all 19-24 year olds.

A third of the homeless population were in care at some point.

One in four people in prison have been in care

70% of adult sex workers have been in care

“We’d like professionals to do what they say they are going to do, to listen to us and fight for us”

Children and Young People's
10 Wishes,
Plymouth City Council

Sources: Department for Education, Centre for Social Justice, Spring Consortium Interim Learning Report

We know that achieving positive outcomes for complex children and young people is a significant challenge and that the right placement is just one factor of many to progress outcomes. We need a team around the child approach that reflects a strong partnership with education, health and care providers to make positive changes for vulnerable children and young people.

There is a mixed market for placements in the South West; the Peninsula Authorities all operate a range of in-house services alongside commissioning provision from external providers. Local authorities and providers are subject to regulation and inspection regimes affecting the quality and availability of placements. External providers are also impacted upon by local authority strategies – recent examples include recruiting more in-house carers, the creation of internal parent and child services, commitment to Staying Put and Special Guardianship. Providers are key partners for local authorities as part of a mixed market in providing safe and nurturing placements for our most vulnerable children and young people.



TERMINOLOGY

Peninsula Authorities – Devon County Council, Somerset County Council, Torbay Council, Plymouth City Council, Cornwall Council

Current Peninsula Contract Area – the wider south west region, including the Peninsula Authorities and Wiltshire, Dorset and Gloucestershire.

We will involve you in decisions about where you live and make sure you are given a choice about where you live and who you live with.

The Pledge,
Devon County Council

WHAT YOUNG PEOPLE TELL US

The information below is taken from the Coram Voice Literature Review 2015, Children and Young People's views from being in care (Hadley Centre for Adoption and Foster Care Studies). Children and young people in care tell us they want to be treated like any other child or young person, with the same opportunities to have fun, make friends and learn.

Each LA has undertaken their own pledges to children in care - links are below.

The key messages from children and young people are:

- Make us feel wanted and liked – and treated equally as a part of the whole family
- Do “parent” us – we may say we don't want to go to school or engage with services, but we want you to encourage us and not give up
- We need boundaries – please don't leave us to make the big decisions for ourselves
- Help us to grow up – we want to learn to be independent but we need your help
- It feels like everything we say or do is written down – it's hard to escape feeling “different”
- Help us to get decisions made quickly – when they are delayed it is frustrating and upsetting
- Show respect and don't judge us for our past
- Give us time to build up trust so we can tell you our story – we need key adults to talk to.
- If we have to move placement, give us time to prepare, plan and visit so we aren't frightened

AND FINALLY:

- Celebrate what we can do rather than focusing on the things we get wrong
- Give us a second chance – like all children, young people (and adults) we won't always get it right first, second or third time

Useful web links:

<http://www.plymouth.gov.uk/plymouthpledge>

<https://www.standupspk.org.uk/the-pledge/>

<http://www.cornwall.gov.uk/health-and-social-care/childrens-social-care/mind-of-my-own-momo/>

http://www.torbay.gov.uk/index/yourservices/fis/adoptionfostering/childrenlookedafter.htm#corporate_parent_role

<http://www.somerset.gov.uk/get-involved/volunteering/corporate-parenting/>

<https://www.standupspk.org.uk/get-started/>

Involve me, listen to me and take action for me

Corporate Parenting Pledge,
Somerset County Council



OUR JOINT ASPIRATIONS

The Peninsula Authorities will continue to require a broad range of placements from the independent sector to meet the needs of vulnerable and complex children and young people in the south west. Numbers of children and young people in care across the Peninsula have remained broadly stable since 2012, but the needs of this cohort are complex and inter-dependant. Managing the challenges in caring for complex children and young people and ensuring placement stability remain a priority for all Peninsula Authorities. Achieving stable high-quality permanent homes for vulnerable children and young people is at the heart of the Peninsula Partnership.

Achieving Value for Money remains a central directive for the Peninsula Authorities. Local authorities are increasingly required to demonstrate that public money is being spent well; significant reductions to budgets and variable quality of provision in the provider market put greater emphasis on achieving this. The aim is to only spend money on provision which makes a demonstrable difference to outcomes for vulnerable children and young people.

The Peninsula Commissioning and Procurement Partnership's vision is driven by the following five principles:

PERMANENCY

- Commitment to the principles of achieving permanence for children and young people, in whatever form is appropriate
- A focus on achieving a continuity of care and emotional stability for children throughout their childhoods, preparing for adulthood and beyond.
- Creation of further Peninsula collaborations such as Adopt South West to progress working together to achieve permanence for children and young people.

FAMILY-BASED CARE

- All children and young people should have the opportunity to live in a safe and secure family home where they are treated kindly and fairly
- There should be an agreed plan to support transition between placements, including the child or young person returning to their family, moving from residential care to a foster placement, on to supported lodgings or to independence
- All agencies should take a proactive approach in partnership with the child to support the delivery of family based care in all types of placement
- Carers and staff will be confident to proactively manage risks when placing children and young people to increase their resilience
- Sometimes children and young people may need to live without their peers, but will have opportunities through care planning for social interaction and re-integration as soon as possible.

I want to feel like it is home and I'm not just another statistic

Young person's feedback, Cornwall Council



QUALITY AND STABILITY

- Professional and resilient care for children and young people which evidences high quality aspirational parenting and positive role models
- Children and young people feel safe to disclose and share their lived experience through the provision of an empathic placement
- Carers are trained and supported to sustain placements through crisis, thus avoiding rejection of the child or young person and preventing placement breakdown
- Social workers work with providers to manage risk, develop plans and focus on stability
- Placement prices are transparent and offer good Value for Money for placing authorities, alongside progressing and evidencing outcomes.

We want to be cared for and treated with respect and warmth and to feel safe

Young person's feedback,
Torbay Council

SUFFICIENCY

- Placements are available within the south west to meet the full range of complex need
- Local providers will be supported and partners encouraged to develop provision
- High quality providers from outside the region will be encouraged to invest in the south west where needed.

PARTNERSHIP AND INTEGRATION

- A multi-dimensional approach to the child or young person with the right placement, education, health and social care all working effectively together to achieve outcomes based care planning
- Breaking down organizational barriers to ensure that teams working with children ensure robust care planning takes place within a culture of trust
 - Workforce development to ensure staff and carers are skilled and trained to develop resilience in working with complex children and young people.



REVIEW OF CURRENT SUFFICIENCY

The Peninsula Authorities currently collaborate to procure four framework contracts under a Dynamic Purchasing System to cover externally commissioned placements:

- Children's homes
- Independent Fostering Agencies
- Special schools
- 16-25 accommodation and support

Currently, all placement provision must be within the wider south west – including Dorset, Gloucester, Somerset, Devon, Torbay, Plymouth and Cornwall. This is known as the Current Peninsula Contract Area.

Parent and child and welfare secure placements are currently spot purchased by the Peninsula Authorities.

The table below shows the average number of placements commissioned by the Peninsula Authorities. Appendix One shows a breakdown of the same information by local authority. Parent and child and welfare secure placements are currently spot purchased outside the Peninsular Frameworks.

Type of provision	2013/14	2014/15	2015/16
Fostering	474	503	544
Residential	109	162	176
Special Schools	58	222	228
16-25 accommodation	20	33	95
Parent and child – residential and fostering	23	27	28
Welfare Secure	10	10	8

The Peninsula frameworks have achieved improvements in a number of areas:

- The number of provisions on the frameworks has increased from 49 in April 2013 to 231 in March 2015
- Existing providers have been willing to invest in new provision, alongside new providers entering the market
- The quality of provision is checked and challenged through site visits and a more rigorous Ofsted inspection regime, particularly for residential care and special schools; providers are offered support from the Peninsula as part of the journey to improvement
- Unregulated 16+ accommodation and support has been brought under a quality assurance framework, with additional checks carried out before provision is accepted onto the frameworks.

CHILDREN'S HOMES

Residential Children's Homes predominantly cater for adolescents, although younger children are at times placed in this provision. These children and young people have a broad range of needs, such as mental health difficulties and challenging behaviours. Understanding the co-dependencies of these needs and enabling their engagement with support and education is critical to placement stability.

A common challenge is in difficulty settling into a family based placement; due to the trauma of their lived experiences children and young people in residential care often find it difficult to form attachments with new adults in a "parenting" role. Living with peers can also prove to be problematic. These young people often find it difficult to invest in and engage with other support services.

Peninsula Framework Contract Provision:

- In April 2013 there were 11 providers with 36 homes (13 homes were outside the borders of the Peninsula Authorities)
- In December 2015 there were 25 providers with 103 homes (24 homes are outside the borders of the Peninsula Authorities)

Whilst the number of residential children's homes on the Peninsula frameworks has more than doubled since April 2013, the majority of this provision already existed. Growth has been slow but steady; fewer than ten new homes have been opened in the region since 2013 but the rate of closure has been low.

There are a large number of children's homes on the current Peninsula provider list which are sited in Somerset and Devon, with more limited supply in Plymouth, Cornwall and Torbay.

Somerset	35 (98 beds)
Devon	28 (76 beds)
Torbay	4 (6 beds)
Plymouth	5 (7 beds)
Cornwall	2 (6 beds)

The Peninsula has seen an increase in the use of residential placements since 2013/14. In Cornwall this is largely due to the closure of in-house provision in 2014.

Demand outstrips supply, especially for those with multiple and complex needs, with children being placed in residential care outside the South West

This trend needs to be urgently addressed. Analysis of 58 Peninsula children and young people placed in high cost residential homes "at distance" (more than two local authorities' away from the home authority) in August 2015 shows that their main presenting needs were physical aggression, challenging behaviours, self-harm and mental health.

What works well

- Examples of strong partnerships which have enabled step down from residential to 16+ or family based placements
- Providers support young people to enable their voices to be heard in care planning processes and acting as advocates if needed
- Providers work well with the Peninsula Authorities to improve quality and design future provision to meet local need

Opportunities for development

- Access to local provision to meet children's needs
- Homes with quality education provision available nearby - either through the provider's own provision or via links with alternative provision
- Create joint planning and resources across care, health and education
- Crisis and assessment provision, with a time-limited assessment and planned approach to move-on
- Residential care for inter-dependent needs, including significant emotional and behavioural difficulties, mental health, eating disorders and self-harm
- Residential care to support step-down from Tier 4 and Welfare Secure
- Consistent programmes to support step-down into a family based placement
- Placements making use of the natural environment of the South West as part of activity based provision

Quality Assurance issues

- Ofsted reports have shown increases in inadequate judgments for leadership and management – the quality and resilience of staff remains an issue
- Poor matching, leading to placement instability and further challenge by Ofsted
- Resilience of placements, especially during crisis situations where the young person displays increasingly challenging behaviour. This often follows a young person making a disclosure related to their past experiences. Placement breakdown at this stage leads to a sense of further rejection
- Behaviour management approaches which either show a lack of consistency or a strategy which is not fully understood or supported by staff or young people. This has led to incidents of inappropriate restraint, or approaches which have escalated behaviour and anxiety. In particular, the response to autistic children and young people needs to be improved

- Repeated absconding from residential placements has been a source of anxiety to children's home managers, with escalation resulting in placement breakdown. Strategies and support including commitment to multi agency meetings are needed to ensure that staff teams remain resilient and motivated
- A number of residential children's home providers include therapeutic support as part of the placement offer. Scrutiny of this has shown that the support offered is of variable quality and not always linked to the specific needs of the child or young person. As a result evidence of clinical outcomes being achieved is also variable. This is impacted upon by the need for timely access to CAMHS for children and young people in care in the Peninsula area.



FOSTERING

All of the Peninsula Authorities operate in-house fostering services and hold the ambition to increase the supply of in-house foster carers.

Foster placements cater for a broad spectrum of interdependent need, from the aftermath of neglect through to more challenging behaviours including sexualised behaviour and risk-taking such as absconding.

There are 18 Independent Fostering Agencies (IFA's) on the Peninsula provider list, offering family based foster placements across the Peninsula area. Placements are offered to children and young people of any age, from babies to older teenagers. The duration of placements ranges from time limited short breaks to long term permanently matched arrangements. The majority of IFA's also offer some form of parent and child placement, with or without assessment.

Traditionally the Peninsula Authorities use in-house foster placements for a range of need, with IFA placements being specifically commissioned to meet the needs of the more complex adolescent cohort. IFA's therefore target their recruitment campaigns accordingly, to attract carers without birth children or those where birth children are older or have left home.

Devon, Plymouth and Cornwall have seen rises in the use of independent foster placements since 2013/14. In contrast in Somerset there has been a marginal increase. In Torbay the use of independent sector foster placements has reduced by 49% between 2013 and 2015 through the recruitment of in-house carers. Plymouth's increased use of IFA placements in 2015/16 was largely for younger children and sibling groups, however plans are in place that seek to increase capacity in in-house provision for this group.

Peninsula Framework Contract Provision:

- In April 2013 there were 8 IFA's
- In December 2015 there were 18 IFA's

The fostering market has remained relatively steady during the current frameworks. A number of new entrants to the local market are concentrating on increasing their carer numbers.

The location of foster carers is generally well spread across the Peninsula, although there are fewer IFA carers in the Torbay area, and agencies report that it is difficult to recruit in the Exeter and Taunton areas.

Foster carers find it difficult to manage aggression, particularly towards birth children or others living in the home. Repeated allegations against foster carers or other children or young people also pose a challenge to placement stability. Due to insurance issues and the perceived level of threat, if a child or young person resorts to using weapons or setting fires the majority of foster carers will feel unable to continue with the placement. Another risk to placement stability is if a child or young person is excluded from education.

An analysis of a sample of 19 IFA placement breakdowns since December 2014 shows that three factors had a key impact on the reason for the placement breaking down:

- Specific aggression towards carer by child/young person
- Carer response to managing challenging behaviour
- Mental health of child/young person

Permanence is a key area of development for IFA's, with options including Foster to Adopt, Special Guardianship and shared care arrangements becoming more prevalent and supported by national legislation and guidance.

More recently, IFA's have been clarifying their position regarding Staying Put placements, where a young person stays in their former foster placement once they are 18 for a more phased transition into independence.

Both permanence and Staying Put, while achieving longer term security for the child or young person, has an impact on the remaining availability of placements to meet local authority need. Nevertheless, there is a need to ensure that young people have the option to stay put to ensure stability and a phased transition to adulthood.

What works well

- Ofsted performance of the IFA market has been broadly stable with good outcomes from inspections
- Providers are willing to work together to discuss issues and feed back to placing authorities
- IFA's are willing to provide or attend training on issues such as CSE and the Prevent agenda
- There has been a creative response to placement stability issues, with packages of additional support being put in place as part of a team around the child
- Providers committed to permanence for young people through the use of Staying Put and SGO's.

Opportunities for development

In broad terms local sufficiency is stronger in the fostering market than the residential market. However, the following are areas for development:

- Commitment to trialing more innovative models of foster care.
- Improving the resilience of carers in managing risk and escalating behaviour, particularly for adolescents.
- Developing carers skilled to accept children and young people who are stepping down from residential or welfare secure, with high level of support initially, and a phased approach to a reduction.

- Carers need to understand and commit to the principles of achieving permanence for children and young people in the broadest sense, from initial recruitment and induction and through onward training and development. Such placements could also include kinship care or shared care arrangements.
- Recruitment of carers able to support children with complex disabilities and sibling groups.

Quality assurance issues

The quality assurance issues in relation to independent foster placements correlate to the ability of foster carers to sustain placements during escalating behaviour and crisis. Similar issues are also seen in in-house fostering services.

- Support to carers can be inconsistent and of variable quality. Placing authorities are at times requested to fund additional support to carers which relates to the skills and needs of the adults in the household, rather than those of the child or young person placed

- The quality of carers varies, from those committed to fostering full time with a broad range of related skills, to carers where the placement on offer is less nurturing and dedicated, leading to difficulties if the behaviour of the child or young person changes
- The best fostering placements require strong partnership working, with the carers as key partners in this process. There have been difficulties with foster carers not committing to partnership working as part of a team around a child or young person.

An analysis of a sample of 96 IFA placements between December 2014 and December 2015 shows that during that time, the % of children and young people having three or more placements is 36%. This compares poorly to a Peninsula average across placements for children in care of 15.4% and nationally of 11%. While children and young people placed with IFA carers may have more complex needs than those placed in in-house provision, this is not always the case and does not wholly account for the discrepancy between the placement stability figures.





SPECIAL SCHOOLS

Independent special school provision in the south west ranges from smaller schools linked to a cluster of children's homes where day education only is provided, to larger sites with residential care available on the school site. Ofsted have changed their expectations of this market, with greater focus on the quality of the residential care being provided and this has led to some inadequate inspection judgements.

Special school placements are commissioned in various ways – as short breaks provision for children with a disability or complex health needs, or for day, weekly or termly education placements. They are also used for 52 week residential and education placements. Special school placements are used by children in care as well as those who are living at home with family or carers. There are also a number of special schools which cater for a specific disability, for example hearing/visual impairment.

The special school sector has seen a number of prominent closures since 2013 in the South West. While the number of providers and provision on the Peninsula frameworks has grown, this is more reflective of existing providers joining the provider lists. Growth in this sector has been very limited.

- In April 2013 there were 3 special school providers with 4 sites (all sites were within the borders of the Peninsula Authorities)
- In December 2015 there were 20 special school providers with 26 sites (5 sites are situated outside the borders of the Peninsula Authorities)

The main presenting needs of children and young people needing special school placements are physical disabilities, speech, language and communication difficulties, and emotional, behavioural, social and learning difficulties and disabilities.

What works well

- The South West region benefits from a number of specialist schools for children with disabilities which are nationally recognised.
- The offer of a range of types of placement, from short breaks to termly boarding
- There has been evidence of a creative response to young people, creating a bespoke curriculum which recognises the full range of a child's needs and talents

Opportunities for development

- Family based models of delivery with smaller homes clustered around off site education provision rather than larger more institutional establishments
- An adequate curriculum offer and a full timetable
- Understanding by all staff of the systems and processes of safeguarding and the need to work together with external professionals at all times
- A more creative educational offer available more quickly in a crisis situation

- Greater emphasis on prevention of escalation
- Focus on longer term inclusion in main-stream provision
- Clearer evidence of assessment and tracking pupil progress
- Improved focus on traditional academic achievement alongside a vocational and creative curriculum which develops the whole child and prepares them for employment through developing practical skills
- Support for the physical and emotional health and wellbeing of the child or young person, including sexual health and peer relationships
- Staff able to effectively manage complex disabilities and health needs
- Provision for high achieving autistic children and young people (both boys and girls) who require a quieter learning environment
- Provision for high achieving autistic girls who also have outward behavioural issues
- Short breaks provision for children with a diagnosis of autism.

Quality Assurance issues

Placing authorities want to see a clearer 'offer' from the special school market for children and young people; feedback is that the quality is not always clear and pricing structures are not clear

Providers need to better evidence the qualifications of teaching staff, assessments and tracking processes. There is also a need to evidence the hours and quality of education being delivered for individual children.

Where additional support has been requested it is not always clear how this relates to a current risk assessment, what any increased funding will buy or how the impact of this will be monitored.

Peninsula authorities report issues relating to behaviour management strategies, including the quality of de-escalation measures and the use of restraint. Improving safeguarding is a key area of development; providers have demonstrated a poor understanding of safeguarding processes and the need for effective communication with all professionals working with a child. Improvements in risk assessment processes have been key to embedding change.

16-25 ACCOMMODATION AND SUPPORT

16-25 support and accommodation was a new addition to the Peninsula frameworks in 2012/2013. This was to quality assure arrangements where accommodation and support was offered to those aged 16+, without being registered as a children's home, special school or foster placement. Providers will not be registered with Ofsted, but may be registered with the Care Quality Commission (CQC), dependent on the level of care provided.

As this provision is unregulated it is an area of focused quality assurance for placing authorities, who need to be assured that support is of a high quality, delivered by experienced staff. The Peninsula Authorities ensure that additional checks are carried out on providers before they can join the frameworks.

Cornwall and Somerset do not commission supported accommodation and supported lodgings placements via the Peninsula frameworks. Cornwall has a strong local provider partnership with supported accommodation and supported lodgings to meet the needs of young people in transition to adulthood. Somerset also commission placements for this age group separately via Pathways to Independence (P2i).

This type of provision includes supported accommodation, supported lodgings and floating support. Provision ranges from large Foyer type provisions, to bespoke packages of support for individual young people in their own accommodation with a staff team. There are also placements in smaller houses of multiple occupancy, with staff providing a range of floating support hours according to need and risk. Support hours can be increased or decreased as the young person progresses.

In supported lodgings placements a young person lives in a family setting with a host. This type of arrangement is more akin to a foster placement, with hosts being assessed and approved by a management company. Hosts receive supervision, training and support with young people offered floating support to engage with education and training and build upon their independent living skills.

The numbers of 16-25 providers on the Peninsula frameworks has grown significantly since 2013, so that supply now outstrips demand, especially in Exeter and Plymouth. The quality of provision in this sector is highly variable and improvements need to be made to understanding safeguarding, safer recruitment and positive behaviour management when working with complex young people.

- In April 2013 there was one provider with one provision (within the boundary of the Peninsula Authorities)
- In December 2015 there were 26 providers with 72 provisions (11 provisions are outside the boundary of the Peninsula Authorities)

Young people tend to be placed in 16-25 placements from one of three routes:

- Step down from custody, welfare secure and residential children's homes

- Late entrants into care – young people with additional complexity who are also homeless
- From foster and residential placements as part of a transition to adulthood and independence.

Young people placed (with the exception of supported lodgings) tend to express difficulty in living in a family based environment and a desire to either live alone or alongside their peers. They often have a history of non-engagement with services including education and therapeutic support. There is a tendency to have experienced substance misuse issues or having been involved in criminal activity. Young people will often over-estimate their ability to manage independent living and typically have poor self-care skills, including nutrition, sexual health and budgeting.

Supported lodgings providers report a more recent change in the cohort of young people seeking their placements; these are now more complex than previously as young people who would have been transitioned to supported lodgings are often seeking to Stay Put in their former foster placement.

What works well

- Providers have been willing to develop and adapt their provision through changing the skillset of staff teams or making changes to physical accommodation
- Providers have been willing to take a risk on accepting young people as a step down from Tier 4, Custody and Welfare Secure provision, achieving some very positive outcomes
- A number of providers have been willing to support and facilitate further step-down to independent living, advocating for the young person to ensure the timing of a move is appropriate
- Making use of previous staff experience in other childcare sectors such as residential care

Opportunities for development

- Improvements in standards of safeguarding practice, including safer recruitment and managing allegations
- More responsive service offer in a crisis/emergency situation to reduce the inappropriate use of bed and breakfast
- Greater skillset of staff in working with complex adolescents to provide support and challenge
- Skilled and consistent staff in responding to and working in partnership around risk taking behaviour including substance misuse and CSE
- Better tracking of outcomes, especially as part of transitions to adulthood
- Support with education and developing employability skills

Quality Assurance issues

The Peninsula Authorities report significant variations in the quality of provision; this sector requires the most development by providers to ensure that needs of young people are consistently met.

Recording and tracking systems range widely so that progress achieved cannot always be evidenced, while concerns are not made clear.

Providers are sometimes too passive in accepting the limitations that older adolescents in care can place upon themselves; there is a need for placements to be more aspirational and pose a positive challenge to overcome hurdles.

While this sector of the placement market has attracted some quality providers, it has also drawn in those with good intentions but very little real understanding of the challenges of this cohort. As a result there have been issues with poor quality of provision, a lack of skilled staff and weaknesses in understanding safeguarding, safer recruitment and how to manage allegations.

Supply of provision now outstrips demand, with potential new entrants to the market continuing to seek to open new 16+ provision in the south west. In some areas the market is now saturated, notably in Devon and Cornwall.

Smaller 16-25 providers report feeling isolated; as this sector often attracts smaller providers operating one provision it is recommended that existing providers form groups to provide peer support to one another and share good practice. Peninsula partnerships will seek to support this development.



PARENT AND CHILD

Parent and child placements (both fostering and residential) are not currently included in the Peninsula frameworks. Plymouth, Devon and Torbay have in place a Cost and Volume for Fostering contract which does include fostering parent and child placements, with and without assessment.

Demand for parent and child placements varies hugely and is difficult to predict, with trends for more placements being needed towards the end of the year through the winter months and into the spring. Both residential and fostering parent and child placements continue to be required, particularly for parents with learning difficulties. Decisions made by the Judiciary also have a significant impact on levels of demand for parent and child placements. It is acknowledged that the Peninsula Authorities need to work with the Judiciary to better explain local commissioning arrangements and quality assurance for parent and child placements.

Placing authorities are increasingly required to make decisions about permanence in a timely fashion, and this can prove challenging when working with families with complex long term difficulties. Quality of assessment is critical for this sector, delivered by experienced professionals able to present their findings in court if required. At times the quality and timeliness of assessments has been variable, leading to conflict with placing authorities.



WELFARE SECURE

The use of Welfare Secure placement remains low. These placements will only be used once the risks a young person presents to themselves or others is such that they cannot be managed at all in a community based placement. To be placed children and young people must meet secure criteria and senior managers and practitioners will work to prevent a young person escalating to this level.

Welfare Secure placements are currently spot purchased by each local authority, based on individual need. Devon County Council operates a ten bedded Welfare Secure unit, but nationally the supply of beds is falling and it is increasingly difficult to source placements. As a result the majority of Peninsula children and young people are placed a considerable distance from the south west.

For the Peninsula Authorities, there is an issue relating to the lack of provision to enable step-down from Welfare Secure. Joint planning is needed to enable risk management of children and young people as they step down – as a result placements are often made out of area.

The Peninsula Authorities wish to further reduce the use of Welfare Secure and enable children and young people to remain in their current placement in spite of escalation in behaviour and risk.



PENINSULA COMMISSIONING INTENTIONS

Market Element: Parent and Child Pre-Court and Court Ordered Assessments

The Peninsula Local Authorities will ensure access to high quality, timely pre-court and court ordered assessments that support Court decisions about children's permanency.

This will be delivered through implementing, for the first time, a framework contract for:

- Parent and child placements in residential family centres
- Parent and child placements in Independent Fostering Agencies
- Community based expert witnesses assessments for family proceedings

In commissioning these placements the Local Authorities will support the market to develop:

- Quality of Assessment
- Clear process for placement planning, including exit planning
- Achievement of value for money through agreeing schedule of rates

Market Element: Family Based Care

The Peninsula Local Authorities will commission a range of family based care options to ensure safe, stable placements that support children's journey through care, that support the child to understand their lived experience and enable them to achieve positive outcomes.

This will be delivered through a framework contract for Family Based Care to include:

- Pre-permanency placements – initial care placements prior to permanency decisions
- Placements to promote permanency and long term matching
- Respite/ Short breaks – for kinship carers, children with disabilities, including shared care arrangements
- Long term care for complex children and young people with a focus on resilience and placement stability
- Staying Put placements

In commissioning these placements the Local Authorities will support the market to develop:

- Clear pathways for permanence, including processes that support the option of Special Guardianship orders
- Clear processes to support placement stability
- Strategies to enable placement resilience
- Embedding the principles and expectations around Staying Put

- Transparency of pricing structures and the cost and delivery of additional support
- Delivery of value for money across the Peninsula
- Ability to position themselves appropriately in the local market through transparency about the plans for the Local Authority delivered Foster Care Services.

Market Element: Children and Young People with high risk/high levels of need

The Peninsula Local Authorities will ensure placement sufficiency through the availability of a range of high quality placements to support good wellbeing health and education outcomes for children and young people who are at risk of harm to themselves or others or present with significant emotional, developmental, behavioural and mental health difficulties.

This change will require a market development plan that ensures co-design prior to tender and the selection of providers and collaborations of providers to develop new models of care in partnership with the Peninsula Local Authorities. Models of care need to enable:

- Crisis response and assessment
- Placements capable of supporting children and young people transitioning out of Welfare Secure, Criminal Justice Secure and Tier 4 Mental Health Care
- Pathways and collaboration between residential, specialist family-based care and "step into independence" placements to ensure support for the journey of the child from crisis and trauma to recovery.
- The ability to purchase additional therapy for young people where necessary
- Clear quality education offer either operated by providers or through clear collaboration with local schools and alternative education providers
- Development of new provision to support improved sufficiency in the "Far South West" (Torbay, Plymouth and Cornwall)
- Consolidation of the supply of residential placements in Devon and Somerset
- In commissioning these placements the Local Authorities will support the market to develop:
 - The creation of pathways to ensure that children and young people with high-level needs are placed in the most appropriate provision as part of their journey through care
 - Support for the development of workforce
 - Clear processes for placement stability
 - Strategies to enable placement resilience

- Appropriate relationship with birth families to promote re-unification, where appropriate.
- Clarity of pricing structures and levels of support
- Delivery of value for money across the Peninsula

16-25 Accommodation with Support

It is not the intention of the Peninsula Local Authorities to commission this provision through the Peninsula Partnership from April 2017 onwards. Individual Local Authorities will take a local approach to ensuring children in care (16+) and leaving care can access an offer focused on engagement, building resilience and development of independence skills, as part of a systems approach across housing and care provision.

Special schools

There are significant changes expected in relation to Special Education Need and Disability expectations and Transforming Care Partnership that means that this is a market in transition.

In light of the development of local plans to respond to this change, it is the intention of the Peninsula Local Authorities to develop an integrated set of expectations across education, health and care for market re-development, setting out the expectations for the future of this market.

In the context of this development the Peninsula Local Authorities will continue to ensure improvement in quality and value for money through letting a framework contract for the purchasing of placements for those with complex or specialist care needs, including:

- Term time or 52 week residential placements
- Residential Short Breaks
- School day placements.



CONCLUSION

The Peninsula Authorities are wholly committed to achieving the best possible outcomes for children and young people. Finding and sustaining the right placement is a key part of this commitment. We will work with our placement providers to develop and continually improve provision to meet a wide range of needs locally.

We are committed to partnership working across all agencies, with our placement providers as a key part of this dynamic. We will support improved communication between placement staff, social work teams and partner organisations. We will offer oversight of provider quality and future service improvement through contract monitoring, relevant use of the suspensions protocol and business development discussions. We will encourage the development of peer networks, so that providers can share ideas and examples of good and outstanding practice. We will facilitate opportunities for workforce development to support our providers in recruiting high quality and dedicated staff.

The Peninsula Authorities are dedicated to ensuring stability and security for our children and young people; this will drive our future commissioning and procurement activity through 2016/17 and beyond.





APPENDIX ONE

INDEPENDENT PLACEMENT USAGE – TRENDS BY LOCAL AUTHORITY

All figures represent the average number of placements made at any one time.

Somerset County Council:

Provision	2013/14	2014/15	2015/16
Fostering	148	150	157
Residential children's homes	18	22	40
Special schools		161	160
16-25 accommodation	NA	NA	NA
Parent and child – residential and fostering	9	17	7
Welfare Secure	0	0	Under 5

Devon County Council:

Provision	2013/14	2014/15	2015/16
Fostering	152	169	176
Residential children's homes	29	68	50
Special schools	23	16	Under 5
16-25 accommodation			61
Parent and child - residential			6
Parent and child - fostering			Under 5
Welfare Secure	7		Under 5

Torbay Council:

Provision	2013/14	2014/15	2015/16
Fostering	91	73	57
Residential children's homes	31	30	27
Special schools	Under 5	Under 5	Under 5
16-25 accommodation	8	10	13
Parent and child residential	Under 5	Under 5	Under 5
Parent and child - fostering	Under 5	Under 5	Under 5
Welfare Secure	0	0	0

Plymouth City Council:

Provision	2013/14	2014/15	2015/16
Fostering	58	73	87
Residential children's homes	23	29	23
Special schools	32	45	36
16-25 accommodation	12	23	21
Parent and child – residential	Under 5	Under 5	Under 5
Parent and child - fostering	Under 5	Under 5	Under 5
Welfare Secure	Under 5	Under 5	Under 5

Cornwall Council:

Provision	2013/14	2014/15	2015/16
Fostering	25	33	67
Residential children's homes	8	13	36
Special schools	72	72	96
16-25 accommodation	NA	NA	NA
Parent and child - residential	0	0	Under 5
Parent and child - fostering	Under 5	Under 5	Under 5
Welfare Secure	Under 5	Under 5	Under 5

APPENDIX TWO ADDITIONAL DATA

Children's homes – use of out of area placements

Local Authority	Current residential placements	Number placed within 20 miles of the local authority boundary	Number placed outside 20 miles but within the Current Peninsula Contract Area (South West region)	Outside the Current Peninsula Contract Area
Peninsula	179	80 (44%)	45 (25%)	56 (31%)

Analysis of 58 Peninsula children and young people placed in high cost residential homes "at distance" (more than two local authorities' away from the home authority) in August 2015 shows that 25% had had 6 or more placement breakdowns in the previous three years. In terms of overall need, 50% presented with physical aggression, 40% with challenging behaviours, 32% had issues relating to self-harm and mental health, 26% were known to be victims of sexual abuse and 20% presented with sexualised behaviours.

Numbers of looked after children

Nos of children looked after at March 31 2015	March 2012	March 2013	March 2014	March 2015
Peninsula Total	2320	2345	2325	2330
Cornwall	480	463	440	440
Devon	710	693	685	700
Plymouth	385	373	395	395
Somerset	495	513	490	490
Torbay	250	303	315	305

Source Department for Education Sfr34_2015 Table LAA1: Children looked after at 31 March by Local Authority 2011-2015

Placement Stability - % children looked after with three or more placements 2011 to year ending 31st March 2015

Across the Peninsula as a whole the numbers of children moved three or more times in a year remains above national averages but varies between local authorities. The Peninsula authorities continue to work to improve placement stability.

%	2011/2012	2012/2013	2013/2014	2014/2015
England	11%	11%	11%	10%
Cornwall	15%	19%	16%	15%
Devon	18%	14%	14%	13%
Plymouth	15%	15%	19%	19%
Somerset	13%	15%	12%	12%
Torbay	15%	13%	16%	28%
Peninsula Average	14.9%	14.9%	15.4%	17%

Source Department for Education Children in care and adoption performance tables 2015

Age of looked after children

Age bands	Cornwall	Devon	Plymouth	Somerset	Torbay	National	SW average
Under 1	30 (7%)	35 (5%)	20 (5%)	30 (6%)	20 (6%)	5%	6%
1 - 4	45 (10%)	85 (12%)	65 (16%)	75 (15%)	40 (13%)	15%	13%
5 - 9	65 (15%)	105 (15%)	70 (18%)	85 (17%)	70 (23%)	21%	18%
10 - 15	195 (45%)	285 (41%)	140 (35%)	200 (41%)	115 (38%)	37%	40%
16 +	105 (24%)	195 (27%)	105 (26%)	100 (21%)	60 (19%)	22%	23%

Source Department for Education Sfr34_2015 Table LAA5: Children looked after at 31 March by age, gender and Local Authority

Children who started to be looked after during the year ending 31 March 2015

Age bands	Cornwall	Devon	Plymouth	Somerset	Torbay	National	SW average
Under 1	55 (24%)	60 (17%)	35 (17%)	65 (17%)	25(21%)	19%	19%
1 - 4	55 (23%)	70 (21%)	50 (21%)	55(24%)	30 (26%)	19%	23%
5 - 9	35 (15%)	55 (15%)	30 (15%)	45 (16%)	20 (18%)	18%	16%
10 - 15	80 (33%)	125 (36%)	45 (36%)	90 (24%)	35 (30%)	29%	32%
16 +	15 (6%)	40 (12%)	40 (12%)	30 (20%)	5 (6%)	15%	11%

Source Department for Education Sfr34_2015 Table LAC2: Children who started to be looked after during the year ending 31 March by gender and age on starting

Looked after children placed over 20 miles out of the local authority boundary March 31st 2015

Authority	Number	%
Cornwall	55	13%
Devon	30	4%
Plymouth	50	12%
Somerset	100	20%
Torbay	85	28%
England Ave	-	14%

Source Department for Education Sfr34_2015 Table LAA6: Children looked after at 31 March by distanced between home and placement and locality of placement

APPENDIX THREE

DRIVERS

“Section 22G requires local authorities, so far as is reasonably practicable, to ensure that there is sufficient accommodation for those children that meets their needs and is within their local authority area”

Children Act 1989

The following legislation and regulatory requirements support the need to secure high quality placements for children and young people, to meet a range of needs as close to home as possible:

Legislation/regulation	Relevance	What this means in practice
Section 22G of the Children Act 1989	Sufficiency duty	Requirement for local authorities to ensure there are enough placements available locally to meet the needs of children and young people.
Ofsted inspections and regulation of children's homes, special schools, fostering agencies and parent and child residential assessment centres.	Regulatory and inspection framework	Clear standards for delivery of service for placement providers. Local authority specifications for placements will use the national regulations as a key point of reference. Ofsted inspections of individual providers are used as part of performance management by placing authorities.
Southwark Judgement 2009	Duty to take vulnerable young people aged 16+ into the care of the local authority	Housing and Children's Social Care must assess vulnerable homeless young people to ensure they are offered the most appropriate service to meet their needs. If they are assessed as vulnerable they will be accommodated – the local authority should have placements available to meet need.
Children and Families Act 2014	Duty to support Staying Put placements	Introduced a legal duty for local authorities to support young people “staying put” with their former foster carer after the age of 18, as long as the local authority decides this is in the best interest of the young person.
Children and Families Act 2014 and the Special Educational Need and Disability Regulations 2014	Duty to jointly work with key partners in assessment and planning	Introduced the SEND Code of Practice. Education, health and social care professionals should work together to assess and make a plan for children and young people with a disability or special educational needs, which can be in place until the age of 25. Needs should be met and parents involved in decision making.
Care Act 2014	Duty to assess as part of transition arrangements for those with additional needs	Requirement for a “child's needs assessment” to be carried out where it is likely a child will have needs or require support when they are 18.
Children Act 1989, updated January 2015 (planning transition to adulthood for care leavers volume 3) Children (Leaving Care) Act 2000	Duty to support staying put placements	Local authorities must consider a more graduated transition to adulthood for young people in care.
Adoption and Children Act 2002/ Special Guardianship Regulations 2005	Provides the legal framework for Special Guardianship Orders for children in care	The local authority has greater choice over permanence options for children in care if adoption is not the plan, as an alternative to long term care. This has an impact if the child is in an external foster placement and requires negotiation with the fostering agency.
NHS England Transforming Care, “Building the right support”	Sets out expectations for health-related planning and support for children and young people with learning disabilities and/or autism who have a mental health condition or challenging behaviour	Improve planning – both short and long term through identification of need and planning including for transition to adulthood. There is also a drive to increase community provision and reduce inpatient services and out of area placements by March 2019.

APPENDIX FOUR

USEFUL WEBLINKS

<http://www.traumarecoverymodel.com/>

<https://www.rip.org.uk/news-and-views/latest-news/evidence-scope-risks-in-adolescence/>

http://www.barnardos.org.uk/bouncing_back_resilience_march09.pdf

<http://www.gov.scot/Topics/People/Young-People/gettingitright/national-practice-model/my-world-triangle>

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