

# EXECUTIVE DECISION

made by a Council Officer




## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD32 22/23

Decision	
1	<p><b>Title of decision:</b> Commissioned Placement Sufficiency Plan 2022/23 – Award of Peninsula fostering contract</p>
2	<p><b>Decision maker (Council Officer name and job title):</b> Sharon Muldoon, Director of Children's Services. Jane Anstis deputising for Sharon Muldoon.</p>
3	<p><b>Report author and contact details:</b> Emma Crowther, Strategic Commissioning Manager, <a href="mailto:emma.crowther@plymouth.gov.uk">emma.crowther@plymouth.gov.uk</a> 01752 304009</p>
4a	<p><b>Decision to be taken:</b> To award the contracts to the Independent Fostering Agencies (IFA's) listed in the Part I Report</p>
4b	<p><b>Reference number of original executive decision or date of original committee meeting where delegation was made:</b> Cabinet 8 March 2022 – agreed for procurement to proceed and for delegation of contract award to the Director of Children's Services</p>
5	<p><b>Reasons for decision:</b></p> <p>Plymouth City Council has a statutory duty to provide sufficient local placements of good quality for children and young people in the care of the local authority. These placements are sourced from a range of providers, including Ofsted registered independent fostering agencies.</p> <p>This decision relates to the outcome of a sub-regional tender for foster placements from independent agencies, led by Devon County Council's procurement team, on behalf of Plymouth City Council, Somerset County Council and Torbay Council.</p> <p>The report describes the process used and recommends the successful providers for contract award.</p>
6	<p><b>Alternative options considered and rejected:</b></p> <p>Ceasing the contract – as the need to commission placements from external fostering agencies is ongoing, this would mean reverting to the spot purchase of individual placements. This would be at a higher weekly cost and also require quality assurance each time a new placement was made.</p> <p>Commission a contract on a Plymouth-only basis – the long-standing Peninsula Commissioning Partnership with Devon County Council, Torbay Council and Somerset County Council enables the four local authorities to maximise their purchasing power and ability to negotiate with the market.</p>
7	<p><b>Financial implications and risks:</b></p>

	<p>Placement providers have for several months been signalling their increasing cost pressures in terms of their ability to attract and retain foster carers and staff, with increasing numbers reconsidering whether to remain in fostering. They have also flagged the rising cost of travel and utilities and training. Providers are aware of the financial challenges being faced by the local authority, but had signalled that any new contract would need to take account of the rise in costs during 2022.</p> <p>Fostering is a key part of achieving the Council's statutory sufficiency duty – without the availability of suitable local foster carers, there is a risk that children are placed in other types of care placement such as residential children's homes which may not be needed and is also considerably more expensive. Currently, an average independent sector foster placement costs £50k per year as opposed to a children's home placement of £282k.</p> <p>The financial implications of the award of contract are set out more fully in the Part 2 paper, but the overall impact for 2023/24 is estimated to be a 9.1% increase, or £857,491, based on the current cohort of children remaining in the same placement for the full financial year. The contract contains a mechanism for considering future uplifts to fees, and those for the future years of the contract will be determined on a year by year basis. The current spend on the contract is £7,644,835.</p>			
<b>8</b>	<p><b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)</p>	<b>Yes</b>	<b>No</b>	<p><b>Per the Constitution, a key decision is one which:</b></p>
			√	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
		√		in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
			√	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
<b>8b</b>	<b>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></b>	1 September 2022		
<b>9</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	This proposal links to the Child Poverty agenda for the city and also A Bright Future 2021 – 26 in supporting children to stay safe, and in having adequate provision of good quality local placements for children in the care of the local authority.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	By seeking to work with providers who can recruit and retain locally based foster carers, children will be able to remain within the city, engaged with their school and support services, reducing the travel incurred when placed out of area.		
<b>Urgent decisions</b>				
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact <a href="#">Democratic Support</a> for advice)
		<b>No</b>	X	(If no, go to section 13a)

<b>12a</b>	<b>Reason for urgency:</b>		
<b>12b</b>	<b>Scrutiny Chair signature:</b>		<b>Date</b>
	<b>Scrutiny Committee name:</b>		
	<b>Print Name:</b>		
<b>Consultation</b>			
<b>13a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>	
		<b>No</b>	√ (If no go to section 14)
<b>13b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>		
<b>13c</b>	<b>Date Cabinet member consulted</b>	24 <sup>th</sup> November 2022	
<b>14</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>	If yes, please discuss with the Monitoring Officer
		<b>No</b>	√
<b>15</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Sharon Muldoon
		<b>Job title</b>	Director of Children's Services
		<b>Date consulted</b>	16 <sup>th</sup> November 2022
<b>Sign-off</b>			
<b>16</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS81 22/23
		<b>Finance (mandatory)</b>	DJN.22.23.310
		<b>Legal (mandatory)</b>	MS/39459.
		<b>Human Resources (if applicable)</b>	N/A
		<b>Corporate property (if applicable)</b>	N/A
		<b>Procurement (if applicable)</b>	PB/SC/016/ED/1122
<b>Appendices</b>			
<b>17</b>	<b>Ref.</b>	<b>Title of appendix</b>	
	A	Commissioned Placement Sufficiency Plan 2022/23 – Award of Peninsula fostering contract – Part I report	

	B	Equalities Impact Assessment						
<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>	√	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.				
		<b>No</b>						
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b> Commissioned Placement Sufficiency Plan 2022/23 – Award of Peninsula fostering contract – Part 2 report			X				
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
N/A								
<b>Council Officer Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
<b>Signature</b>				<b>Date of decision</b>		24 <sup>th</sup> November 2022		
<b>Print Name</b>		Jane Anstis						