

COMMISSIONED PLACEMENT SUFFICIENCY PLAN 2022/23 – AWARD OF PENINSULA FOSTERING CONTRACT

Part I report

**I. Purpose and recommendations**

The purpose of this paper is to provide an update on a sub-regional procurement to put in place a new contract with independent fostering agencies (IFA's). At Cabinet in March 2022, agreement was given to proceed with the procurement as part of proposals to support placement sufficiency in 2022/23, with the contract award decision delegated to the Director of Children's Services.

This paper sets out the procurement process, the outcome and impact of the tender and recommendations for contract award as a delegated decision. This is based on analysis of both the quality and price (commercial aspects) of the submissions. Further detail of the commercial evaluation are set out in a separate Part 2 report.

It is recommended that the following providers are awarded a contract, for a period of 5 years (from 2nd January 2023 – 1st January 2028) with the option to extend for up to a further two years. (2 x 12 months). The listed providers have successfully met the quality requirements for the tender.

Lot 1 Standard Fostering	Lot 2 Enhanced/ Therapeutic Fostering	Lot 3 Parent and Child Fostering	Lot 4 Family Based Short Breaks	Lot 5 Emergency Fostering (to be co-designed with Providers)
Action for Children Blue Sky Fostering Capstone FosterCare Compass Fostering South Compass Fostering West Enhanced Foster Care Five Rivers Child Care Foster Care Associates Ltd Pathway Care South West Ltd Swiis Foster Care Ltd The Fostering Foundation Ltd The National Fostering Agency Ltd	Action for Children Blue Sky Fostering Compass Fostering South Compass Fostering West Enhanced FosterCare Five Rivers Foster Care Associates Pathway Care SW National Fostering Agency	Action for Children Blue Sky Fostering Capstone FosterCare Compass Fostering South Compass Fostering West Five Rivers Child Care Foster Care Associates Ltd Pathway Care South West Ltd Swiis Foster Care Ltd The Fostering Foundation Ltd The National Fostering Agency Ltd	Action for Children The Fostering Foundation Ltd	The providers who have expressed an interest in working with the Peninsula Authorities to develop and co-design this service: Compass Fostering South Compass Fostering West Five Rivers Child Care Foster Care Associates Ltd Swiis Foster Care Ltd The Fostering Foundation Ltd

2. Background

The majority (69.2% or 333) of children and young people in Plymouth's care are placed in a foster placement of some kind. These placements are provided by the in-house Plymouth City Council fostering service and also via a range of independent fostering agencies (IFA's) or via other arrangements such as with family members. The independent agencies historically focus on providing placements for children with more complex needs, although over more recent years have placed a broader range of children. The use of commissioned foster placements has been rising over the last 5 years, partly due to a rise in the number of children coming into care, challenges with recruiting foster carers and the complexity of caring for some children, particularly in their teenage years.

Since 2006 Plymouth City Council has collaborated with Peninsula partners including Devon County Council, Torbay Council and Somerset County Council to commission over-arching contracts for foster placements. All foster placements with independent agencies are commissioned through this contract, other than a very small number of exceptions via spot purchase. The current contract began on 1st April 2018, with Devon County Council as the lead commissioner. It is a framework contract, which doesn't commit the local authority to commissioning any placements, but ensures that there is a clear expectation of quality and price if placements are used.

The contract covers:

- Fostering
- Parent and child fostering
- Staying Put (when a young person remains with their former foster carer after they are 18)

The current annual spend on the contract for Plymouth is £7,644,835.

The contract includes fostering agencies operating in Devon, Cornwall and Somerset, although some of the agencies offer placements nationally. All agencies are required to be registered with Ofsted.

Agencies provide a list of their weekly fees, with an additional "menu" of enhanced support, such as therapy and family support worker time. This enables transparency of the services being commissioned, and an opportunity to scale support up and down dependent on a child's individual needs.

Demand for foster placements, both locally and nationally, remains high and this means that providers have less need to engage with any contractual arrangements which they consider to be too restrictive or unaffordable. A Peninsula fostering tender carried out in 2017 which included caps on weekly prices was received poorly by providers, with some large agencies choosing not to engage with the process.

Current contract performance

The contract has generally performed well, with agencies continuing to recruit carers for the south west and carers providing a good quality of care. In the last year agencies have found it more difficult to recruit new carers, which has been exacerbated by the Covid-19 pandemic and more existing carers reconsidering their future options. One agency is currently graded inadequate by Ofsted and is working through an improvement plan.

There are ongoing challenges in finding carers with the skills needed to care for children who no longer need a residential placement, or who are stepping out from Tier 4 mental health provision or welfare secure, particularly teenagers with complex needs.

3. The procurement

A procurement process has been carried out, with Devon County Council as lead commissioner, for a Framework Agreement covering the geographical area of the Peninsula Commissioning Partnership, split into five Lots covering the following services:

Lot 1 Standard Fostering

Lot 2 Enhanced / Therapeutic Fostering

Lot 3 Parent and Child Fostering

Lot 4 Family Based Short Breaks

Lot 5 Emergency Fostering (to be co-designed with Providers)

The details of the procurement process are set out in Appendix I. The Framework Agreement will be issued by Devon County Council. Individual placement call-offs from the Framework will be made by the Partnership local authorities, and Individual Placement Agreements will be issued and monitored by each placing authority.

Award of contract will help Peninsula partners to meet their statutory sufficiency duty via a high quality fostering service delivered by providers that have been tested for capacity, capability, cost and quality. The new contract is designed to allow flexibility and provide structure to meet future demands and the ability to achieve this in collaboration with the fostering framework providers.

Lot 1 Standard Fostering offers placements for children with skilled foster carers and sets out all the expectations for placements including care and support with education and health needs. The majority of children in foster care with independent agencies will be placed in a standard placement.

Lot 2 Enhanced/ Therapeutic Fostering is specifically designed for those children and young people with significantly complex needs and has been reviewed to ensure the therapeutic offer is more clearly described and understood.

Lot 3 Parent and Child Fostering offers specifically trained carers who are able to accommodate children and their parents, so that families can remain together while their capacity to parent is assessed and considered. Placements can be offered with or without formal assessment by the fostering agency but include supervision of the parent and child to help keep them safe.

Lot 4 Family Based Short Breaks is for children and young people aged 0-18 years who will be able to access a flexible package of support, including overnight breaks, or part day and night packages. The specification has been developed to allow these services to be extended to young people with SEND aged 18-25 years. Additionally, this will also provide key support and respite for foster carers at a time when resilience in the workforce market is a national challenge.

Lot 5 Emergency Fostering is a new service area and will be co-designed with the interested bidders over a period of 12/18 months to maximise the combined knowledge and expertise of both the public and private sector. These services will support any child in care, in crisis and requiring a placement at short notice.

The new Framework Agreement will also aim to achieve improved value for money for placing authorities through greater transparency of pricing and competition through call-off. The contract also allows for new agencies to apply to join the Agreement through an annual entry point – growth of new agencies in this sector is limited, so the focus is on maintaining productive and collaborative relationships with local partners.

APPENDIX I – PROCUREMENT PROCESS

The procurement process was led by Devon County Council as lead commissioner on behalf of Plymouth City Council, Torbay Council and Somerset County Council.

Market Engagement

A prior information notice (PIN) was published on the Procurement Portal in July 2021.

A market engagement meeting jointly lead by commissioners and Procurement was held on 7th September 2021 to discuss the intentions for the contract development. Following this, a fostering survey was made available for providers to explore the therapeutic interventions and the preferred approach to how the new contract arrangements would be costed. 6 providers responded to the survey, which helped to inform the contract design.

A further market engagement meeting was held on 1st April 2022 to discuss existing fostering placement data, market sufficiency and the proposed design for the new framework agreement.

The Tender Process

A Tender Notice under the Light Touch process was published on 4th July 2022. A Tender advertisement was also placed in FTS on 4th July 2022. The Invitation to Tender was issued via www.supplyingthesouthwest.org.uk on the 4th July 2022. The tender return deadline was 19th August 2022.

The tender was split into five Lots covering the services:

Lot 1 Standard Fostering

Lot 2 Enhanced / Therapeutic Fostering

Lot 3 Parent and Child Fostering

Lot 4 Family Based Short Breaks

Lot 5 Emergency Fostering (to be co-designed with Providers)

Bidders were required to indicate within their tender submission which lots they were bidding for. Within the Invitation to Tender document, each bidder had to submit price schedules for each of the appropriate lots, accounts documents, a completed data security questionnaire and respond to the quality questions for Lot 2 and 4 as required. Lots 2 and 4 required quality questions as the specification had been considerably revised from the current contract. Quality questions were not set for Lots 1 and 3 as the specification for these is largely unchanged from the current contract and quality is well understood in the context of the regulatory framework. Lot 5 seeks to identify providers who wish to work with the local authorities to design future services, so an assessment of quality will be built into any subsequent procurement process.

Successful bidders will be asked to submit evidence of their insurance and their policies for Health and Safety, Equality and Diversity, Safeguarding, Safer Recruitment, Positive Behaviour Support and Complaints as part of due diligence.

Procedure Selection Criteria

The tender opportunity was published on 4th July 2022 and a tender launch / market engagement virtual meeting lead by Devon Procurement was held on 12th July 2022. This was an opportunity for existing and new providers to familiarise themselves with the tender documentation and requirements of the

framework opportunity. The presentation slides and questions and answers from the meeting were published on the tendering portal.

19 providers viewed the tender opportunity.

The following 13 providers submitted a completed tender return:

Action for Children

Blue Sky Fostering

Capstone Fostercare

Compass Fostering South Ltd

Compass Fostering West Ltd

Enhanced Foster Care Ltd

Five Rivers Child Care Ltd

Foster Care Associates Ltd

Fusion Fostering Ltd

Pathway Care South West Ltd

Swiis Foster Care Ltd

The Fostering Foundation Ltd

The National Fostering Agency Ltd

Selection and Quality Questions

All tender submissions were verified via the Supplying the Southwest procurement portal. The bids were then checked by Devon Procurement Services to ensure the bidders had passed the Selection Criteria, and that they had fully completed the ITT in accordance with the tender instructions.

Award Criteria

The quality questions for Lot 2 and Lot 4 were evaluated by a panel of evaluators from across the Peninsula Authorities and subsequently moderated to agree the consensus feedback and scores. The pass/fail questions for the remaining lots were evaluated by the Devon Procurement team.

The tender award criteria published in the invitation to tender was as follows:

Lot 1 Standard Fostering:

The award criteria for Lot 1 Standard Fostering is 100% quality based on one pass/fail question relating to the bidders Ofsted grading. The bidder must have a grading of Requires Improvement or higher to pass the Award Criteria. If a bidder has a grading of Inadequate or no grading available, this would fail the Award Criteria.

Lot 2 Enhanced / Therapeutic Fostering:

Criteria	Criteria Weighting	Sub-Criteria	Sub-Criteria Weighting
Quality	100%	Q. A1 Achieving Outcomes	60%
		Q. A2 Innovation	40%
		Total	100%

Lot 3 Parent and Child Fostering:

The award criteria for Lot 3 Parent and Child Fostering is 100% quality Based on one pass fail question relating to the bidders Ofsted grading. The bidder must have a grading of Requires Improvement or higher to pass the Award Criteria. If a bidder has a grading of Inadequate or no grading available, this would fail the Award Criteria.

Lot 4 Family Based Short Breaks:

Criteria	Criteria Weighting	Sub-Criteria	Sub-Criteria Weighting
Quality	100%	Q. A1 Meeting needs	50%
		Q. A2 Voice of Families and Children	50%
		Total	100%

A minimum quality threshold was in place for Lot 2 and Lot 4: to be considered for award of this contract the bidder had to achieve a quality threshold of no less than 40% across both quality questions for Lot 2 - Enhanced/Therapeutic and Lot 4 - Family Based Short Breaks.

Tender Evaluation

For the two lots (2 and 4) that contained award criteria quality questions the tender evaluation panels consisted of:

Fostering Evaluators - Lot 2 Enhanced/Therapeutic		
LA	Evaluator	Position
Torbay	Charlotte Ashford	Placements and Contracts Officer
Somerset	Charlotte Johnson	Children's Commissioning Officer
Plymouth	Emma Crowther	Strategic Commissioning Manager
Devon	Mary McKenna	Senior Childrens Placement Team Co-ordinator
Devon	Paul Williamson	Strategic Commissioner

Fostering Evaluators - Lot 4 Family Based Short Breaks		
LA	Evaluator	Position
Torbay	Charlotte Ashford	Placements and Contracts Officer
Somerset	Charlotte Johnson	Children's Commissioning Officer
Plymouth	Emma Crowther	Strategic Commissioning Manager
Devon	Amber Wallis	Commissioning Officer
Devon	Paul Williamson	Strategic Commissioner

Each panel member attended an evaluation training session led by a Senior Procurement and Contracts Officer from Devon County Council. The training covered the following topics:

- A summary evaluation process
- The commitment required in undertaking the evaluation
- Principles of Evaluation
- Scoring Guidance
- Overview of the documentation to be used
- Conflicts of interests and confidentiality

Each panel member signed a Confidentiality Form covering conflicts of interest; that they fully understood the Evaluation Process and the undertaking required. There were no conflicts of interest identified.

The bids were evaluated by the tender evaluation panel to assess the strengths and weaknesses of each bid. In isolation each panel member evaluated the responses to the questions within the submitted Invitation to Tender using the scoring matrix as published in the tender documents and described within the evaluation training session.

Once the evaluation of the bids was completed, the panel members attended a moderation meeting, led by a Senior Procurement and Contracts Officer. For each quality question the panel discussed and agreed a consensus score and consensus feedback for each bid.

When the moderation was completed, each panel member signed to confirm agreement to the consensus scores and feedback.

Summary of Tenderers

13 on time bids were received. There were 2 opt outs:

- Homes 2 Inspire Ltd – Insufficient resources at this time
- The Adolescent and Children's Trust (TACT) – unable to meet requirements

Fusion Fostering Ltd were excluded from the process on 4th October 2022 and were not evaluated further. This was due to being notified of an Ofsted inadequate grading for Fusion Fostering South West. This meant that the organisation no longer met the mandatory requirements of the tender. A letter was issued to Fusion Fostering Ltd to confirm the specific wording within the Invitation to Tender (ITT) document and the award criteria.

A CreditSafe report check was carried out for each provider and is available on request.

Further details of the tender scores for each provider and the financial evaluation are available in the Part 2 report.

TUPE Considerations

There are no TUPE implications in the award of this contract.