

# Public Document Pack

## Executive Member Decisions

Friday, 3rd September, 2021

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### AGENDA

1. **BBCL Sub regional framework contract**  
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**EIA Checklist - BBCL Sub regional framework contract**

Date Published: 3<sup>rd</sup> September 2021  
Denise Park, Chief Executive

## Executive Member Decision



<b>REPORT OF:</b>	Executive Member for Children, Young People and Education
<b>LEAD OFFICERS:</b>	Strategic Director of Children's & Education (DCS)
<b>DATE:</b>	4th August 2021

<b>PORTFOLIO(S) AFFECTED:</b>	Children, Young People and Education
<b>WARD/S AFFECTED:</b>	(All Wards);

### SUBJECT:

Blackburn with Darwen Borough Council, Blackpool Council and Cumbria County Council and Lancashire sub regional framework contract for a Flexible Agreement for Independent Foster Care agencies

### 1. EXECUTIVE SUMMARY

The proposal is for Lancashire County Council to procure a Flexible Agreement which establishes a list of approved independent foster care agencies based on a robust selection criteria and will be in conjunction with Blackburn with Darwen Borough Council, Blackpool Council and Cumbria County Council (BBLC).

The Flexible Agreement will provide the availability of a greater number of Independent Foster Care agencies which can be utilised based on individual need with each of the authorities continuing to maintain their own foster care service which assesses, registers, supervises and supports their own foster carers.

The process will include a staged evaluation with a minimum selection criteria including technical and professional ability, economic and financial standing. It will also require agencies to have at least two fostering households within the combined geographical footprint and to be registered by OFSTED and have a rating of requires improvement and above, or equivalent.

Once the Flexible Agreement is awarded, each authority will be responsible for commissioning placements from a Flexible Agreement agency for their own needs and will be responsible for the contract management and payment of all fees. A tier review will take place annually to ensure agencies maintain the required level of quality and prove to be working collaborative with the authority.

### 2. RECOMMENDATIONS

That the Executive Member:

- Approves the proposal for Blackburn with Darwen Council to be part of the BBLC Flexible Agreement.
- Notes that being part of the BBLC Flexible Agreement does not provide any guarantee of business to Providers from Blackburn with Darwen Council.
- Notes that a further report will be presented to the Executive Board once the tender process has progressed, detailing the outcome of the process and the impact on cared for children's placement stability and costs associated with external placements.

### 3. BACKGROUND

Since 2019, Blackburn with Darwen Borough Council, Blackpool Council, Cumbria County Council and Lancashire County Council have been collaborating as part of a Department of Education funded project to improve the sufficiency of foster care placements across the combined authorities. The process is being led by a consultancy agency, Outcomes UK, who produced a feasibility study with a key recommendation to develop a sub-regional independent foster care agreement.

- The proposal is for Lancashire County Council to procure a Flexible Agreement which establishes a list of approved independent foster care agencies based on a robust selection criteria.
- Lancashire County Council will lead the procurement and it is intended to be in conjunction with Blackburn with Darwen Borough Council, Blackpool Council and Cumbria County Council.
- It is intended that the Flexible Agreement will remain in effect for 9 years. The Flexible Agreement will be split into two geographical areas:
  - Area A - Blackburn with Darwen, Blackpool and Lancashire
  - Area B – Cumbria
- Within each Area there will be three Lots based on service types:
  - Lot 1 Mainstream
  - Lot 2 Enhanced
  - Lot 3 Step Down
- Individual placements will be commissioned by the individual local authority. The individual local authority will be responsible for following the published call off process and will assess each placement offer to ensure that the service delivery proposals meet the service specific requirements.
- Once the Flexible Agreement is awarded each authority will be responsible for commissioning placements from a Flexible Agreement agency for their own needs and will be responsible for the contract management and payment of all fees.
- Once a placement has been agreed, Blackburn with Darwen Council will issue the provider with an individual Care Plan to identify any specific individual needs identified and ensure that providers will work to achieve the outcomes in the National Minimum Standards and to secure positive welfare, health and education outcomes for children, and reduce risks to their welfare and safety.
- Every three years the Flexible Agreement will be open for new agencies to apply and existing agencies will be reassessed.
- The Invitation to Tender process will commence in September 2021.
- The Flexible Agreement is expected to commence on Tuesday 3 May 2022.

### 4. KEY ISSUES & RISKS

The flexible agreement will involve the commissioning of Independent Fostering Agencies to provide sufficiency of care for Blackburn with Darwen children for those organisations who meet the appropriate criteria, allowing access to the right offers of care for our children locally. It is currently estimated that between 30 and 50% of the care offers in the BBCL footprint are made to children who ordinarily reside outside of the boundary.

These arrangements are intended to improve sufficiency for Blackburn with Darwen children and allow for more co-ordinated and planned transitions into care arrangements for them. Currently there is high demand for the care offers which are made both inside and outside of the BBCL footprint which results in children from outside of the footprint being offered the care and children from within the BBCL footprint being offered care outside of the boundary. With the proposed arrangements there should be an improved offer. This should also strengthen the balance of the relationship between the independent fostering agencies and local authorities in working together in a planned way to meet the needs of our children.

The BBCL Flexible Agreement will be the first point of call for Blackburn with Darwen who will access Foster Carers through the BBCL Flexible Agreement wherever possible. When a provider cannot be identified through the BBCL Flexible Agreement then Blackburn with Darwen Borough Council reserve the

right to access the Placements North West Framework (for providers who are not on the BBCL Flexible Agreement) or to spot purchase where necessary.

## **5. POLICY IMPLICATIONS**

Fostering services operate in a regulated environment and all providers must work to the Fostering Service National Minimum Standards or any subsequent replacement legislation and guidance. The National Minimum Standards are underpinned by The Fostering Services (England) Regulations 2011 Statutory guidance for fostering services – Children Act 1989 Guidance and Regulations Volume 4: Fostering Services – which sets out the wider context for local authorities, as providers and commissioners of fostering services.

Local Authorities have a statutory duty to provide a sufficiency of foster care placements for Children Looked After that they hold responsibility for under Section 20 of the Children Act 1989.

The Sufficiency Duty requires local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area.

## **6. FINANCIAL IMPLICATIONS**

The estimated total annual spend through the Flexible Agreement is £40,000,000. This is based upon the weekly spend at 31st December 2020 for the four Authorities. Blackburn with Darwen Borough Council weekly spend at this point was £39,272 per week.

It is not expected that the financial implications will be detrimental to the Local Authority as we currently access these placements through the Placement North West framework. However, there should be significant financial savings in relation to Children's Social Care resources, with less time spent on travelling to visit Blackburn with Darwen children placed out of area. When children are placed in Borough or close to home it can support placement stability.

## **7. LEGAL IMPLICATIONS**

The procurement will require legal input at various stages of the tender process which will be conducted in accordance with the European Procurement Rules and the Council's Contracts and Procurement Procedure Rules.

The Lancashire County Council Legal and Procurement departments will be involved in supporting the development of the specification and tender documents and will continue to provide support throughout the tender process.

It is intended that the Flexible Agreement will remain in effect for 9 years. Service contracts awarded as call-off contracts from the Flexible Agreement will be up to the full length of the individual fostering placement with the named agency and the fostering household. They will include initial periods, break points and potential extensions configured to balance stability of care and to manage performance.

## **8. RESOURCE IMPLICATIONS**

As part of the process, the Fostering team are recruiting for a 'front door' worker to have a more personal and responsive working relationship with independent fostering agencies in addition to acting as our front door for recruitment. With the flexible framework it is anticipated that we as corporate parents will be more likely to access the care Blackburn with Darwen children need in a timely and co-ordinated manner with improved collaboration with the independent fostering agencies. This will allow for children to be placed within or nearer their own communities, near to their family and friendships groups, accessing the services

that they know and know them and continuity of social work relationships. There will be continuity of social worker relationships and services that our children can and do access. These will likely be strengthened as the professional network works more regularly and closely with our children.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below.**

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

## 10. CONSULTATIONS

The proposal for the procurement for the Flexible Agreement has been discussed at the Children's Senior Leadership team meeting.

A market engagement event for the Independent Fostering Care agencies was held on the 9<sup>th</sup> July 2021.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published.

<b>CONTACT OFFICER:</b>	Helen Kane, helen.kane@blackburn.gov.uk Cathy Fisk, cathy.fisk@blackburn.gov.uk
<b>DATE:</b>	4 <sup>th</sup> August 2021
<b>BACKGROUND PAPER:</b>	

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Childrens Services	<b>Date the activity will be implemented</b>	31/07/2021
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<b>Brief description of activity</b>	The proposal is for Lancashire County Council to procure a Flexible Agreement which establishes a list of approved independent foster care agencies based on a robust selection criteria.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input checked="" type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not (i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not (i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)	<input checked="" type="checkbox"/> No
<b>FOR = 1</b>	<b>TOTAL</b>	<b>AGAINST = 5</b>

**Will you now be completing an EIA?**

☐ Yes

☒ No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	Helen Kane
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	27/07/2021

