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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	18 February 2016
<b>Subject:</b>	Provision of Accommodation for Unaccompanied Asylum Seeking Children
<b>Key Decision:</b>	Yes
<b>Responsible Officer:</b>	Chris Spencer, Corporate Director of People
<b>Portfolio Holder:</b>	Simon Brown, Portfolio Holder for Children, Schools and Young People
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	No, except for Appendix 1 which is exempt under paragraphs 3 and 7 of Schedule 12A of the Local Government Act 1972 (as amended) because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix 1 – Financial Implications Report (Exempt)  Appendix 2 – Initial EQIA

## **Section 1 – Summary and Recommendations**

The purpose of this report is to seek approval to award a contract for 2 years to The Provider to provide essential accommodation for Unaccompanied Asylum Seeking Children and young adults aged 16-24.

### **Recommendations:**

Cabinet is requested to:

- Approve the award of a two year contract to The Provider for provision of placement accommodation for Unaccompanied Asylum Seeking Children (UASC) who are in the council's care
- Following consultation with the Portfolio Holder for Children and Families approve a waiver of Contract Procedure Rules (CPR) for two years exempting this service from a competitive tender process until April 2018
- Approve the plan for officers to complete a competitive procurement process during the period 2016-2018 prior to the end of the extended contract

### **Reason:**

The Provider provides an essential accommodation provision for UASC, for which the council has a statutory duty to provide. The current agreement is due for renewal in April 2016. Therefore, in order to comply with CPR this report is requesting a waiver to award a contract for 2 years to allow for time to complete a procurement process and secure placement stability for vulnerable young people.

## **Section 2 – Report**

The Provider has offered essential placements for vulnerable young people for over 17 years. The provision delivers excellent value for money in comparison to other types of placement and has developed over the years to improve and expand the facilities to meet the needs of the young people placed there. Feedback from young people placed there is generally positive, particularly after they have moved on to other provision and then fully realise the services they benefitted from. The Provider supports the Council to meet its statutory duty to provide good quality placements for children and young people in or leaving care.

## **Options considered**

The options considered were

- 1) To continue with the existing arrangement without undertaking a competitive process to avoid a potential price rise by the provider and potential disruption to placements for young people. This was dismissed after concerns about compliance with the Councils Contract Procedure Rules and the Public Contract Regulations.
- 2) Considered tendering before the current agreement expires, however, this option was rejected as the risk to disruption of placements was too significant without sufficient time to mitigate for a potential change in provider, and there is a high risk that the cost of service will increase significantly as we have exceptionally good rates with The Provider
- 3) To extend the current agreement for two years to protect the positive relationship with the provider, maintain placement stability for young people, continue to benefit from the extremely competitive rates, continuing to enhance outcomes for young people through the training and support that is provided on site.

## **Background**

The numbers of Children Looked After on 31st March 2015 peaked at 179 children and young people, compared with 167 in the previous year. A proportion of this increase can be attributed to a 2% rise in the number of Unaccompanied Asylum Seeking Children.

The Provision has been utilised as a location for placements to accommodate Unaccompanied Asylum Seeking Children since the late 1990's. The large purpose-built hotel was previously used to provide rooms on a case by case basis for vulnerable young people whilst still having private guests. Latterly, it was deemed important for the safety of the young people placed there that no external hotel guests used the facilities.

With the increasing numbers of newly arrived young people and a need to find suitable accommodation, a new approach to commissioning this provision has been in place. Through an annually reviewed block purchasing agreement with The Provider which began in 2012 all of the rooms have been secured for 30 placements for young people in the care of Harrow Council.

## **Current situation**

Placing newly arrived young people in a provision which has multiple rooms and a diversity of residents has meant that young people naturally provide much needed peer support to each other on accessing services, local facilities and learning English. The staff has a lot of experience in helping young people to settle in and begin to develop independent skills.

The provider of the accommodation and the staff that work there have all been DBS cleared and attend safeguarding children training and are

responsive to feedback from the young people placed there. As a result they have been flexible to create spaces for the young people to use as a study area, a garden for outside space and meeting room. They enable local authority staff and health providers to run sessions to support the development of independent living skills, support with homework and meeting others. Security is a priority with all visitors and guests signing in and out, CCTV and 24 hour staff on site.

The Provision is the only accommodation of this type in Harrow and means that young people are placed locally, reducing the travel time and cost for social workers, independent reviewing officers and independent visitors. Young people also benefit from being in close proximity to local colleges, places of worship, leisure facilities and can easily pop in and visit their social workers.

The flexibility of the space at The Provision has supported the introduction of specialist services such as Language is Not a Barrier a local project through our Youth Development Team, to support networking, reduce isolation, and gain skills and confidence. The Children Looked After Nurses are able to visit and complete review health assessments and Clinic in a Box also run sexual health drop-in sessions. The Children in Care Council arrange visits to engage young people from The Provision in activities and ensuring their views are heard.

There are limited alternatives to placing children and young people at The Provision. Benchmarking has shown other providers are not able to meet the capacity provided by The Provider. Through the access to resources commissioning arrangements and West London Alliance it can be demonstrated there are only a few vacancies amongst the semi-independent providers locally and The Provision is full. Other providers have smaller units with an average of 4 bedrooms per unit. Some of the providers have acquired additional units, but this has taken a significant period of time; purchasing new property, applying for a change of use, going through a process for approval for use. Under these market conditions it is highly unlikely anyone can match the number of placements at the value for money offered by The Provision.

The Provider has staff on site 24 hours a day, 7 days a week at £309 per week for the most expensive room and £136 for the cheapest. This includes breakfast for the young people, which no other provider offers. The next cheapest local provision with 24 hour staff on site costs £500 per week and only has 4 rooms.

With numbers of Unaccompanied Asylum Seeking Children increasing by approximately 2% each year, via the London Councils rota, there will always be a demand for these types of placements. Furthermore, with increasing pressures emerging from other areas, particularly with regard to housing stock and capacity to support homeless individuals and families. There will be further challenges with finding and allocating homes for the people at Grange Farm as a result of the estate regeneration. The limited amount of provision for such independent living placements puts pressure on our ability to move young people out of semi-independent accommodation. Whilst young people need to be ready to move on, there also needs to be appropriate and

affordable provision available, thus, causing a bottle-neck in available provision.

Therefore, The Provider continues to offer a vital and beneficial placement option for vulnerable young people who benefit from being in a community setting, supported by peers from their own countries of origin.

## **Implications of the Recommendation**

Placements with The Provider are based on very competitive rates comparative to alternative types of placements and the outcomes for young people placed there are good. The financial benefit of using The Provider is not the only reason it is the preferred option for placements for UASC. Limited availability of In-House Foster Carers and the resulting impact of filling placements with older young people who are closer to independence could result in a lack of local placements for younger and more vulnerable children. Furthermore, the cost of providing alternative, more costly types of care adds significant demand on an already pressured Placements Budget which in 2015-16 has been reduced by £197,836 in accordance with MTFs savings.

## **Performance Issues**

Placement stability is an incredibly important indicator of performance, as stability can be linked to permanence and better outcomes. Stability is therefore a good proxy-indicator for the outcomes we want children to achieve.

The long term stability indicator measures the percentage of children aged under 16 who had been looked after for at least two and a half years, who had been living in their placement for more than two years. Harrow's long term placement stability has declined, from a high of 71% in 2012 to 45% in 2014. However, the young people placed at The Provision tend to have less placement moves and greater placement stability as a result.

Children who go missing from care is a measurement used to inform the assessment of risk for those in our care and the impact placement stability. Of the children and young people placed at The Provision, there are very rare occurrences of children being missing. If and when this occurs the placement provider is very swift to notify of any concerns.

A further measure is the % of Care Leavers in suitable accommodation. This is currently an area for improvement as the percentage is currently 76%, with 57 out of 75 care leavers in settled accommodation. Continuing to work with this provider is therefore beneficial in supporting children and young people to maintain stable placements and achieve better outcomes.

## **Risk Management Implications**

Risk included on Directorate risk register? No

Not specifically, although is covered broadly by sections 5 and 6, although this will be updated at the quarterly review meeting

Separate risk register in place? No

The risk of the recommendations to extend the arrangements with this placement provider not being approved are significant for the young people placed there. The impact of the recommendations not being approved would result in 30 young people requiring a new placement from April 2016. This could result in disruption to education, employment, support networks, put pressure on other providers, increase the cost of placements and potentially put a local business out of operation. With increasing demand for this type of service there is a need to encourage local providers who are able to provide good quality accommodation and support case workers and the young people themselves to achieve the best possible outcomes. If other providers are used as an alternative, this could also reduce the quality and safety of the young people placed.

A block contract arrangement for purchasing placements carries some risk, as there is potential for voids if not all places are filled and a resultant cost for an empty room. The likelihood of there being unutilised places is very low due to the increase in the number of UASC arriving in Europe.

Offering a direct award has been evaluated as low risk as there is limited capacity to meet the extent of the placement demands at such good value for money within the market.

A further risk is created by undertaking a competitive process during the extension period to award a contract beyond 2018 could result in the current provider or any new provider increasing costs. Options to minimise this risk will be considered and managed through the procurement process.

## **Legal Implications**

Unaccompanied asylum seeking children, are supported by local authorities in accordance with our duties to children under the Children Act 1989 (amended by the Children and Young Persons Act 2008).

Section 20 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) contains a specific, mandatory duty to provide accommodation to a child who meets certain criteria. The criteria are that a child requires accommodation because there is no one with parental responsibility for them, because they are lost, abandoned, or because the person who has been caring for them is prevented from providing them with suitable accommodation or care.

Section 22 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) places a general duty on local authorities to 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.

Sufficiency Duty Statutory Guidance describes the accommodation required for a child looked after that: is near the child's home; does not disrupt his/her education or training; enables the child to live with an accommodated sibling; where the child is disabled, is suitable to meet the needs of that child; and is within the local authority's area, unless that is not reasonably practicable.

Where young people feel we have not met our statutory duties of care as outlined above, there is the potential for a legal challenge to be made.

The estimated contract value for the extended contract is below the financial threshold triggering a need to comply with the Public Contracts Regulations 2015, so if Cabinet approves a waiver of the council's CPR, the contract can be extended as set out in this Report

## **Financial Implications**

The total Children & Families Placement Budget for 2015-16 is £3,098,000 and this contractual spend will be contained within this budget.

## **Equalities implications / Public Sector Equality Duty**

Awarding a contract to The Provider for a further two years will ensure we continue to meet our statutory duties for children and young people. The contract documentation will set out the equalities duties on the provider.

An initial Equality Impact Assessment has been completed specifically for the proposal to extend the agreement. This identified no need for a full assessment at this time because it did not identify any potential for unlawful conduct or disproportionate impact and all opportunities to advance equality for young people placed at The Provision are being addressed through the existing agreement and monitoring.

## **Council Priorities**

The recommendations contained within this report support the Council's corporate priority of "Making a difference for the vulnerable" by continuing to provide local and stable placements for vulnerable young people.

### Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 13 January 2016		
Name: Stephen Dorrian	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 11 January 2016		

<b>Ward Councillors notified:</b>	<b>NO as it impacts on all Wards</b>
<b>EqIA carried out:</b>	<b>YES</b>
<b>EqIA cleared by:</b>	EQIA Quality Assurance Group meeting 4.1.16

### Section 4 - Contact Details and Background Papers

Contact: Claire Kentish, Access to Resources Team  
Manager. 0208 424 1485 [claire.kentish@harrow.gov.uk](mailto:claire.kentish@harrow.gov.uk)

Background Papers: Appendix (Exempt) and EqIA (Appendix)

<b>Call-In Waived by the Chairman of Overview and Scrutiny Committee</b>	<b>NOT APPLICABLE</b>  <i>[Call-in applies]</i>
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