

## Wiltshire Council

### Cabinet

7 May 2024

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**Subject:** Provision of a range of accommodation for care experienced children and young people and unaccompanied asylum seeking young people

**Cabinet Member:** Cllr Laura Mayes – Deputy Leader and Cabinet Member for Children’s Services, Education and Skills

**Key Decision:** Key

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#### **Executive Summary**

Wiltshire Council have a need for supported accommodation and residential children’s homes within the County.

On 20<sup>th</sup> February 2024 full council approved the capital investment of £10.560m providing housing for 68 care experienced and asylum seeking young people and £1.6m providing children’s residential homes for children with complex needs in Wiltshire enabling the council to provide accommodation and commission providers at reduced rates.

This investment into supported accommodation for care experienced and asylum-seeking young people and residential accommodation for children and young people with complex needs will:

- Reduce the net cost to the local authority revenue budget.
- Expand the existing marketplace for supported accommodation in Wiltshire, which is limited.
- Fulfil the council’s statutory duties under section 23C of the Children act 1989 and the Children and Social Work Act 2017 which places a duty on the Local Authority to provide ongoing support to care experienced young people.
- As a corporate parent ensure the continuing development of inclusive housing, close to transport links, education and workplace opportunities in Wiltshire for care experienced young people and unaccompanied young people seeking asylum
- Meet the increased demand for supported accommodation and complex residential places in Wiltshire.
- Fulfil our obligations to the national transfer scheme (NTS) for unaccompanied young people seeking asylum
- Support young people to be successfully independent in terms of their health, wealth and emotional wellbeing
- Ensure the future sustainability of statutory provision of support and accommodation in Wiltshire for care experienced young people.
- Ensure children and young people remain within the county, closer to their homes and families.

This paper is requesting a procurement exercise to be undertaken to commission OFSTED registered providers to operate these services in order to meet the current and future demand.

## **Proposals**

Cabinet is asked to approve:

- 1) To undertake a procurement exercise to go out to tender and commission an external Ofsted registered provider to operate services for supported accommodation. The contract length will be 5 years with the option to extend for a further 5 years.
- 2) To undertake a procurement exercise to go out to tender and commission an external Ofsted registered provider to operate services for complex residential homes. The contract length will be 5 years with the option to extend for a further 5 years.
- 3) For officers continue to undertake to prepare and complete the tender programme, award and implement a new contract for both services.
- 4) To delegate authority to approve, award a new contract and future extensions, approve all associated documents and make any other decisions deemed relevant and proportionate to the Director of Families and Children's Services, and Corporate Director – People, in consultation with the Cabinet Member for Children's Services.

## **Reason for Proposals**

- 1) Increase capacity of supported accommodation for care experienced young people and unaccompanied young people seeking asylum to support them to live within Wiltshire to meet current and future demand.
- 2) Increase the capacity of children's residential accommodation to meet the needs of those children and young people with complex needs within Wiltshire.
- 3) Provide housing and commission external providers.

**Lucy Townsend**  
**Corporate Director, People**

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### Purpose of Report

1. This report outlines the proposal to commission an Ofsted registered provider to operate supported accommodation for care leavers and unaccompanied asylum seekers and complex residential accommodation. These are to be commissioned via a tender exercise through two separate tenders. Firstly, supported accommodation for care leavers and unaccompanied young people seeking asylum and secondly for residential accommodation for children and young people with complex needs.
2. Cabinet is asked to authorise the completing of a tender process that delivers sufficiency of places and cost benefits for Wiltshire
3. To delegate authority to approve, award a new contract and future extensions, approve all associated documents and make any other decisions deemed relevant and proportionate to the Director of Families and Children’s Services, Corporate Director - People in consultation with the Cabinet Member for Children’s Services.

### Relevance to the Council’s Business Plan

4. This proposal is relevant to the following priorities and objectives:

*The people of Wiltshire are empowered to live full, healthy, and enriched lives*

#### **We get the best start in life:**

- Build the opportunity of greater independence for children with complex needs

#### **We stay active:**

- Enabling and empowering a model of support that enables people with complex needs to maximise their independence

#### **We are safe:**

- Give looked after children and young people the most secure home possible.
- Provide effective and flexible support to young people as they enter adulthood

#### **We have the right housing:**

- Prevent homelessness and help young people remain in a sustainable home

- Have a sustainable, robust and flexible care home market that meets the needs of the population and the projected demand for beds
  - Develop the care market in a way that promotes choice and diversity of supply, and ensures best value for money
5. To support the working themes in the council's business plan 2022 to 2032, commissioning priorities are to:
- a. **Priority 1** - ensure services are in the right place at the right time.
  - b. **Priority 2** - ensure right people receive services in the right place i.e. increasing services delivered in the community and in people's homes.
  - c. **Priority 3** - ensure right service, right price

### Corporate Parenting

6. This proposal supports our Corporate Parenting Strategic priorities 2023-2026.
- a) *To feel safe and happy in a stable home and in my local community. To try and ensure I live in a community that reflects my cultural and religious needs.*
  - b) *To have positive relationships with people who are important to me and for me to be part of my local community where I am trusted, respected and accepted and feel included.*
  - c) *To be the best that I can be, to achieve personally, educationally throughout my life and be supported to access training and employment opportunities.*
  - d) *To have support for as long as I need it and plan my transition to independence with good access to Staying Put, Staying Close and quality supported accommodation and eventually my own home.*

### **Background**

7. Section 17 of the Children Act 1989 places a general duty on every local authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children's needs, with support for care experienced young people up to 25 years old. The Council has a statutory duty under section 22G of the Children Act 1989 to take steps that secure sufficient accommodation within its area.

### Care Experienced Young people and Asylum Seeking Young People

8. National research evidences that care experienced young people face barriers to securing and maintaining affordable housing, with a third of care experienced young people becoming homeless within 2 years of leaving care. This can prevent them from engaging in further or higher education and employment including apprenticeships. It also puts them at increased risk of loneliness and isolation. It is estimated that a quarter of the homeless population in England were in care at some point in their life.
9. From the recommendations in the *Stable Home Built on Love: Implementation Strategy and Consultation – Childrens Social care reform 2023* the DfE are recommending progress to improvements for Care Leavers is tracked across six key missions. Mission 5 states that by 2027 we will see an increase in the number of care leavers in safe, suitable accommodation and reduce care leaver homelessness.

10. The council's statutory duties in relation to care experienced young people are as follows:

- A duty on local authorities which requires them to offer Personal Adviser support to all care leavers towards whom the local authority had duties under section 23C of the Children Act 1989, up to age 25 - irrespective of whether they are engaged in education or training. This includes care leavers who return to the local authority at any point after the age of 21 up to age 25 and request such support. (Under previous legislation, local authorities were required to only provide care leavers with support from a Personal Adviser until they reached age 21, with that support continuing up to age 25 if a care leaver was engaged in education or training. However, this support was not available to care leavers aged over 21 who were not in education, training or employment);
- A duty on local authorities to consult on and then publish their 'local offer' for care leavers, which sets out both care leavers' legal entitlements and the additional discretionary support that the local authority provides (appendix 4).

11. There are currently 340 care experienced young people in Wiltshire (including asylum seeking and young people with disabilities.) They are in a range of accommodation options, often more costly than necessary due to the pressures of the current marketplace and often in provision outside of Wiltshire. There are 96 care experienced young people living in supported accommodation. 57 of these are unaccompanied young people seeking asylum. 80% of unaccompanied young people seeking asylum live outside of Wiltshire compared to 41% of non asylum seeking young people.

12. The post pandemic and economic pressures have meant this cohort of young people need to be supported for longer, leading to higher demand on limited services. Often, these vulnerable young people struggle with working towards independence and first tenancies and additional support is required from providers in addition to existing social work and personal advisers in the social care teams.

	<b>2023</b>	<b>2024</b>	<b>2025</b>
Numbers of 18+ years Care Leavers in Wiltshire (estimated for future years)	328	370	433

13. Where it is established that a child/young person is an unaccompanied minor, this will always satisfy the criteria for services to become a Looked After Child by the local authority under section 20(1) of the Children Act 1989 for 24 hours. Once accommodated, they will be subject to the appropriate regulations and the same provision as any other Looked After Child.

14. The National Transfer Scheme (NTS) protocol for unaccompanied asylum-seeking children (UASC) has been established to enable the safe transfer of unaccompanied children in the UK from one local authority (the entry authority from which the unaccompanied child arrives) to another local authority (the receiving authority). From 24<sup>th</sup> August 2022 the threshold was increased from 0.07% to 0.1% of the local authority's population due to the increase in the overall UASC population. A local authority has five working days to identify a suitable home and transfer a young person to their care.

15. The current cohort of unaccompanied young people seeking asylum is 42. Wiltshire can potentially be allocated another 64 arrivals before reaching our 0.1% target (106). Under the national transfer scheme (NTS) as these young people reach 18 years, they are excluded from this calculation and so the flow of 16–17year olds into Wiltshire is consistent.
16. Many unaccompanied young people are waiting for their leave to remain to be granted by the home office before they can claim any benefits or access tenancies. There is currently a significant backlog.
17. Our young people are in a range of accommodation options, often more costly than necessary due to the pressures of the current marketplace and often these placements are outside of Wiltshire. The supported accommodation placements outside of Wiltshire at an average weekly cost of £1,127.00 (August 2023) are often due to higher wages and rents in cities such as Bristol and Southampton where our young people are not a priority for social housing.
18. In the case of both asylum seeking and care experienced young people, there is a lack of capacity in county which means placements and moves towards independence are made outside Wiltshire or delayed and this creates additional budget pressure.

### **Residential Accommodation for Children with Complex Needs**

19. The Ofsted report “How local authorities and children’s homes can achieve stability and permanence for children with complex needs” (January 2024) highlights the increase in the number of children who need specialist provision to support their complex needs. It also acknowledges the lack of suitable homes available for children with complex needs, and the difficulty local authorities face in finding homes for them.
20. Within the report, 91% of local authorities say they often experience difficulties finding homes for children with complex needs.
21. The shortage of homes for these children drives up the costs of placements. It can lead to children living in unsuitable provision, the local authority creating bespoke packages which is costly and can reduce the number of places available for other children.
22. Children with complex needs usually have a combination of multiple different needs that can include behavioural, mental health, learning, safeguarding, physical, social needs or have experienced significant trauma.
23. Sufficiency of placements for children with complex needs are very challenging to secure within the county and across the country. Securing good quality, flexible and local homes for children and young people with complex needs has become a persistent risk. Insufficient supply and rising costs are evident both locally and nationally.
24. Wiltshire has 38 children currently in residential provision (April 2024). 24 children have been identified as having complex needs through their high level of enhanced care packages in place. This includes additional staffing, health needs and therapies. 26 children are also placed out of county.

25. Due to the lack of sufficiency of complex needs, residential providers often request additional staffing in order to support a child with complex needs and prevent an unplanned ending to the placement. This reactive approach can result in costly bespoke arrangements.
26. The total annual spend on Wiltshire's most expensive residential placements is increasing each year. The highest costing 15 placements in 2024 cost eight times as much as in 2020.
27. In the case of children's residential homes. There is a need for young people with complex needs to be able to access suitable accommodation within the county. This will enable them to remain close to home and school, access local support and retain links to their community.
28. For 2023/24 the quarter three budget monitoring reported a £2.742m across children's social care placements and although the 2024/25 MTFS has been increased to reflect inflation and demand, linked to these schemes are a series of savings plans which will ensure high quality local services representing value for money.

### **What Children and Young People Say - Appendix 1**

29. Surveys and focus groups with children in care are regularly conducted by Wiltshire Council and on an annual basis. The authority encourages youth voice, supporting young people to engage with consultations.
30. The Make Your Mark survey was completed in 2023, with all schools in Wiltshire. Of the 3497 young people completing the survey, the results showed that Health and Wellbeing were the top priority for young people.
31. The Bright Sports Survey 2023-24 was completed by a representation of Children Looked After and Care experienced young people. The results of which will be evaluated in May 2024 and will feed into the services specification.
32. A workshop was set up in December 2023 with Youth Ambassadors, chaired by commissioning and supported by the Staying Close coordinator (Appendix 2 –Staying Close). The workshops are going to continue regularly, with a plan to invite young people to be part of the property viewings and support the development of the service specification.
33. Care experienced young people and young people seeking asylum, supported by a translator fed back that they would like smaller houses that feel like a normal home, a large house can sometimes be too noisy and difficult to manage living with others. Being close to activities and having support to attend them is important.
34. Placement stability is important to children and young people and children want continuity of care. They want to feel cared for, loved and a sense of belonging, that professionals who work with them, carers and organisations who care for them, do this because they want the best for them.

### **Options Considered**

35. The option to do nothing was considered. This option would ignore opportunities to capitalise owning properties and charging providers rent to operate services from. It would mean that expensive out of county placements continue indefinitely, costs for

placements remain high and that young people struggle to achieve independence in their own homes in Wiltshire. The council risks not meeting its statutory duties to provide supported and residential accommodation.

36. The council could go out to the market to ask providers to operate more Ofsted registered provision. This model means that providers have a property with a mortgage which, is theirs to sell as an asset to liquidise their capital and this is a risk to future delivery models.

### **Recommended Option**

37. Supported accommodation for care experienced young people and unaccompanied young people seeking asylum and residential accommodation for children with complex needs play an important part in supporting the council's statutory responsibility to provide suitable accommodation.
38. Council owned properties, which are then leased to providers, with an external Ofsted registered provider commissioned to operate service gives the council more control over costs and location of services. Should the local position change in the future the properties can potentially be converted into social housing or sold on the open market.

### **Market engagement – Appendix 3**

39. Market engagement events took place on 13 December 2023 and 28 February 2024 with a range of providers. Their views and ideas have been considered as part of the contracts and incorporated where it is appropriate to do so.
40. The local authority will continue with further market engagement events as we move towards the tender go-live date.

### **Safeguarding Implications**

41. Contracts give clear direction on how and when to raise a safeguarding alert to avoid any confusion about who will do this and/or assumptions that someone else will raise the alert.
42. Contracts also ensure that any issues relating to child protection are identified and appropriate referral made to Multi Agency Safeguarding Hub (MASH).

### **Public Health Implications**

43. The new contracts will benefit the overall health and wellbeing outcomes of children and young people in Wiltshire in terms reducing the risk that their health and care outcomes could be compromised if the service was not in place.
44. The new contracts will also enable more children and young people to remain closer to home and their communities and continuing to access their current health and support networks for any specific needs or advice Without this service there is a risk to health and care outcomes could be compromised.

### **Procurement Implications**

45. A compliant procurement process will be followed in line with the relevant UK Public Procurement Regulations, requirements set out in the Constitution and any other relevant policies.



46. The procurement process will be designed and run, in conjunction with the Procurement Team.
47. Consideration to social value implications will be informed through our socially responsible procurement policy and will be taken into consideration when developing the specification for the service.

### **Equalities Impact of the Proposal**

48. The equalities impact of the proposed decision is low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required.

### **Environmental and Climate Change Considerations**

49. There will be a reduction in emissions as Social Workers and other professionals will not have to travel as far to see children and young people, as travel will be within Wiltshire.
50. Through the tendering process. The new supplier will be asked to consider how it will contribute to the council's Climate Strategy and Business Plan commitments to net zero and to plan for the impacts of climate change.

### **Workforce Implications**

51. This proposal relates to an externally commissioned service and will have no impact on the direct council workforce.

### **Risks that may arise if the proposed decision and related work is not taken**

52. There is a risk that if these contracts are not put in place, more children will continue to be placed outside the county, further from their home.
53. There is a risk that if these contracts are not put in place, the cost of supported accommodation and residential accommodation for children with complex needs will remain high as they will be sourced through more expensive frameworks, or on a spot purchase basis.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

54. There is a risk that a suitable provider is not identified through the tender process to operate the contract, in which case the Council will review the contract proposals, arrange further market engagement, and offer a new contract to the market in a timely way.
55. If the number of children who require a place reduces the council will be left with void placements. The annual contract reviews will ensure that the number of commissioned places remain appropriate to the demand, and regular contract management and communication with the provider and with operational teams will reduce this risk.

### **Financial Implications**

56. The capital to purchase these properties has been secured on the basis of business cases outlining the initial outlay, interest and future anticipated benefits, i.e. future

savings where placement costs will not only be local to Wiltshire but be less than current costs. This culminates in long-term payback arrangements as detailed below.

57. The council is able to borrow at a competitive rate from the PWLB (Public works loan board) as required and a secondary benefit of owning the properties is that they provide future flexibility for re-commissioning.
58. Purchase of properties to be operated by a provider and commissioned as complex residential children's homes providing up to 8 placements - £1.6m. Full payback of the principal and interest plus net savings will be achieved by year 5 (2029/30.)
59. Purchase of 17 properties to provide supported accommodation and accommodation for between 31 to 33 16-17 year olds and 18+ care experienced young people - £5.947m. Full payback of the principal and interest plus net savings will be achieved mid way between years 25 and 26 (2047 to 2049.)
60. Purchase of 18 properties to provide supported accommodation and accommodation for 36 asylum seeking young people - £4.825m. Full payback of the principal and interest plus net savings will be achieved mid way between years 30 and 31 (2052 to 2054.)

### **Legal Implications**

61. Legal Services Commercial Team has been instructed to advise on commissioning a provider and drafting two new block contracts. One for care experienced and asylum seeking young people and one for young people with high/complex needs.
62. Legal Services Property Team have been instructed to advise on rental of properties to a provider.
63. Legal Services have been invited to attend steering group and catch up meetings where advice will continue to be sought until the conclusion of the project.
64. The contracts will be based on the Council's template Services Agreement and Template which will be tailored to protect the interests of the Council as well as remain commercial so not to put off the market.
65. The procurement will be undertaken in accordance with Constitutional and Legal requirements under the Public Contracts Regulations 2015.

### **Overview and Scrutiny Engagement**

66. A briefing will be held with the Chair and Vice-Chair of the Children's Select Committee to discuss this paper and proposals.

### **Conclusions**

67. This paper is requesting a procurement exercise to be undertaken to commission an external Ofsted registered providers to operate these services for supported accommodation and complex residential accommodation within the county.
68. This will ensure the council is able to meet current and future demand along with its statutory duty to accommodate children and young people within the county, closer to their home.

69. The report recommends Cabinet agree the following proposals:

- 1) To undertake a procurement exercise to go out to tender and commission an external Ofsted registered provider to operate services for supported accommodation. The contract length will be 5 years with the option to extend for a further 5 years. This will include an annual review of the contract.
- 2) To undertake a procurement exercise to go out to tender and commission an external Ofsted registered provider to operate services for complex residential homes. The contract length will be 5 years with the option to extend for a further 5 years. This will include an annual review of the contract.
- 3) For officers continue to undertake to prepare and complete the tender programme, award and implement a new contract for supported accommodation and residential accommodation for children with complex needs.
- 4) To delegate authority to approve, award a new contract and future extensions, approve all associated documents and make any other decisions deemed relevant and proportionate to the Director of Families and Children's Services, and Corporate Director - People in consultation with the Cabinet Member for Children's Services.

**Jen Salter (Director - Families & Children)**

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**Appendices**

Appendix 1 – Children and Young People's Voice

Appendix 2 – Staying Close Project

Appendix 3 – Market Engagement

Appendix 4 – Care Leavers Promise Booklet

**Background Papers**

None