
REPORT FOR: CABINET

Date of Meeting:	18 January 2018
Subject:	Provision of Accommodation for Young Unaccompanied Asylum Seekers
Key Decision:	Yes
Responsible Officer:	Chris Spencer, Corporate Director of People
Portfolio Holder:	Councillor Christine Robson, Portfolio Holder for Children, Young People and Schools
Exempt:	No, except for appendix 1 which is exempt under paragraphs 3 and 7, Schedule 12A of the Local Government Act 1972 (as amended) in that the appendix contains Information relating to the financial or business affairs of any particular person (including the authority holding that information) and 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix 1 – Financial Implications Report - EXEMPT (Part II) Appendix 2 – Initial EQIA

Section 1 – Summary and Recommendations

The purpose of this report is to seek approval for a direct award of a contract for five years until 2023 with the option to extend for a further two years until 2025 to the current provider. This will ensure stability and sufficiency of accommodation for thirty Unaccompanied Asylum Seeking Children and young adults aged 16-24.

Recommendations:

Following consultation with the Portfolio Holder for Children and Families and the Portfolio Holder for Finance and Commercialisation, Cabinet is requested to:

- Approve a waiver for a direct award as per the Contract Procedure Rules (CPR).
- Approve the award of a five year contract until 2023 with the option to extend for a further two years to 2025 for provision of placement accommodation for Unaccompanied Asylum Seeking Children (UASC) who are in the council's care. The annual value of the contract is £317,467 and the total contract value for the potential seven year term is £2,222,269 (not including any inflationary increase).

Reason:

The service provides essential accommodation for UASC, for which the Council has a statutory duty to provide. The current agreement is due for renewal in April 2018. By approving the recommendation this will secure placement stability for a large number of very vulnerable young people.

Section 2 – Report

There is no other provider who can deliver this type of service and offer the same excellent value for money (see appendix 1). In comparison to other types of placement, it has developed over the years and improved and expanded the facilities to meet the needs of the young people placed there. Feedback from young people placed there is 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) The preferred option is to offer a direct award to the current provider for five years with the option to extend for a further two years. This option will allow us to protect the exceptionally good rates, whilst maintaining placement stability for young people.
- 2) The option of tendering the service was also considered, but not seen as in the best interest of either the service users or the Council. The service is of a high quality and at a price significantly lower than market rates. Therefore there is a significant risk of jeopardising cost effectiveness which would add further pressure to a budget area already struggling to meet demand within current resources. From a service perspective we would risk disruption to placements and the potential separation of clients who provide peer support to each other.
- 3) Extending the current contract for a further year to complete a tender process was considered. This option was not taken forward, as the preferred option of offering a longer term contract was seen as giving the Council security of tenure for a much longer period.

This long term arrangement and the benefits it brings are evidenced by there being limited additional capacity locally. Through the Access to Resources commissioning arrangements and the West London Alliance, we can demonstrate there are only a few vacancies amongst the semi-independent providers and the Provider accommodation is full. With numbers of Looked After Unaccompanied Asylum Seeking Children continuing to increase for our statistical neighbours, London as a whole and England it is likely that Harrow's responsibility for this cohort will continue to grow. As part of the London Councils rota, Harrow will always need to provide accommodation for new Unaccompanied Asylum Seeking Children each year.

Background

The numbers of Children Looked After on 31st March 2017 peaked at 211 children and young people, compared with 179 in the previous year. A proportion of this increase can be attributed to a rise in the number of Unaccompanied Asylum Seeking Children. Whilst the numbers have fallen back down to 179 in September 2017, UASC represent 18% of the total CLA cohort and will therefore continue to need appropriate placements as they transition to leaving care services. As of September 2017 UASC represent 55% (100) of the total clients supported by the UASC and Leaving Care Team

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 serving private guests. Latterly, it was deemed important for the safety of the young people placed there that no external hotel guests use the facilities.

The Provider has been approached by Brent Council housing department and other local authorities to seek placements with them as they are offering such a good service at affordable rates.

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 implemented. Through an annually reviewed block purchasing agreement with the Provider which began in 2012, all of the rooms have been secured for thirty placements for young people in the care of Harrow Council. Cabinet approved the award of a two year contract in 2016.

The Provider has been delivering this service for over twenty years and has expressed plans to expand the business. As such officers are satisfied that it is unlikely that he will sell or cease operating the business within the term of the contract.

However, in the event his intentions change, the contract will include provision requiring the Provider gives the Council sufficient written notice of any potential significant change to the operational management and running of the business which will impact on delivery of the services.

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.

Country of Origin of Residents - September 2017

Country of origin	Number
Afghani	9
Albanian	5
Iraqi	2
Eritrean	6
Kuwaiti	1
Iranian	3
Syrian	1
Moroccan	1
Vietnamese	2

The provider has a lot of experience in helping young people to settle in and begin to develop independent skills.

The Provider and the staff that work there have all been DBS cleared, attend safeguarding children training and are responsive to the needs and 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 and a lounge /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, an Early Support project to enable 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 four 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 (see appendix 1). This adds to the premise that there is no reasonable alternative or substitute which exists within the Borough that fulfils the Council's requirements.

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.

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 is already overspent.

Performance

Sufficiency, stability and quality of placements are critical measures on which Children's Services are judged.

During the Children's Services Ofsted inspection in January 2017 inspectors visited the provision and spoke to young people. The feedback from inspectors was extremely positive and the overall outcome of the inspection was 'Good' for Children's Services overall.

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.

The number of 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 percentage 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?

Not specifically, although this 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 risks of the recommendations not being approved are significant for the young people placed there. The impact of the recommendations not being approved would result in thirty young people requiring a new placement from April 2018. 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 continued number of UASC arriving from Europe, and Harrow's commitment to accepting their quota of UASC referrals from the London rota.

Legal Implications

The Council has a duty by virtue of the Care Leavers (England) Regulations 2010 to look after children in need of accommodation and services and care leavers within its locality.

The current contract with the Provider is due to expire on 31 March 2018. It is intended to directly award a contract for the provision of Accommodation for Young Unaccompanied Asylum Seekers to ensure continuity of service for five (5) plus two (2) years from 1 April 2018. This is permitted under the Public Contracts Regulations 2015 (PCRs) as the Council can justify that the services can only be supplied by this particular provider for "*technical reasons*" which means that competition is absent (PCR 32(2)(b)(ii)).

We consider that competition is absent because the provision is unique, in that there are no other providers in Harrow or in neighbouring boroughs that provide the number of placements in the same vicinity and for this dedicated client group. The services being provided are distinct to this particular facility in that they ensure the Council meets its statutory duty in providing accommodation and additional resources necessary to meet the needs of these vulnerable young people in one location.

Further in awarding this contract to the Provider, the PCRs at Regulation 76 allows for the Council to take certain factors into account which include:

- a) The need to ensure quality, continuity, accessibility, affordability, availability and comprehensiveness of the services;
- b) The specific needs of different categories of users, including disadvantaged and vulnerable groups;
- c) The involvement and empowerment of users.

.The Contract Procedure Rules (CPRs) allows the Council to directly award a contract to this provider under waiver in exceptional circumstances.

Financial Implications

The cost of accommodation is funded from the children's placements budgets. The Council receives grant funding from the Home Office for Unaccompanied Asylum Seeking Children. For those under 18 years old, the Council receives a standard national daily rate for all UASC, and for those 18 years and over, the Council receives a standard national weekly rate but not for the first 25 post-18 UASCs. Any expenditure over and above the grant is funded and budgeted within the council general fund. Therefore it is essential to achieve value for money in relation to the cost of accommodation.

Equalities implications / Public Sector Equality Duty

Awarding a contract to the Provider for a further period of five to seven 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: 8 January 2018		
Name: Sarah Inverary	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 8 January 2018		

Ward Councillors notified:	NO as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	Johanna Morgan, DETG Chair , People Directorate

Section 4 - Contact Details and Background Papers

Contact details: Claire Kentish,
Access to Resources Team Manager. 0208 424 1485
claire.kentish@harrow.gov.uk

Background papers: None

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