

<b>REPORT TO:</b>	<b>Cabinet Member for Children, Young People and Learning</b>
<b>SUBJECT:</b>	<b>Contract Award Children's Social Care Dynamic Purchasing Systems (DPS 3 Lot 3 Young People Semi Independent Accommodation)</b>
<b>LEAD OFFICERS:</b>	<b>Debbie Jones, Executive Director of Children, Families and Education Rachel Soni Director of Commissioning and Procurement</b>
<b>CABINET MEMBER:</b>	<b>Cllr Alisa Flemming, Cabinet Member for Children, Young People and Learning Councillor Callton Young, Cabinet Member for Resources and Financial Governance</b>
<b>WARDS:</b>	<b>All</b>

**CORPORATE PRIORITY/POLICY CONTEXT/CROYDON RENEWAL PLAN**

The Croydon Renewal Plan sets the framework which Croydon will operate within for the next three years. It lists the following priorities for Croydon, please see below for how awarding this DPS addresses these priorities:

**We will live within our means, balance the books and provide value for money for our residents.**

The plans below, including the use of block contracting, and regular refreshes of the market will encourage competition that we are anticipating will enable Children's Social Care in particular to better live within their means while still ensuring the supply of Supported Accommodation is sufficient.

**We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.**

These services will primarily benefit Children Looked After, Care Leavers and homeless young adults, all of whom are groups that are at serious disadvantage in the country as a whole, but also in Croydon. The services commissioned through this DPS have been specifically marked on their ability to promote independence skills as a minimum criteria. An Equalities Impact Assessment was completed at the project initiation, and was favourably assessed.

**We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand.**

This is a vital, statutory service that must be provided to keep some of the most vulnerable young people and adults safe in our borough. To ensure that we provide this service at an affordable rate, we must have a market solution that is flexible enough to allow for robust

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mini-competitions and block contracting, and that can be refreshed regularly. To ensure it's quality, minimum standards for this DPS have been robust, and will continue to be.

### **FINANCIAL IMPACT**

The procurement strategy for all 3 DPSs for Adults and Young People's Social Care to a value of £150,000,000 per annum and £1,500,000,000 across ten years was agreed in July 2019 (CCB1498/19-20). The total value of the services included in DPS 3 is currently £26,080,000 per annum, and £260,080,000 across ten years.

The total possible spend under DPS 3 lot 3 for any budget in the council or CCG is £8,000,000 per annum, and £80,000,000 over ten years. However this report does not commit to that maximum level of spend.

The children's element of this is across both Children Looked After and Leaving Care. Due to the current restrictions under S114 we are duty bound to ask authorisation for the budgeted amount only; however the current budget is insufficient and is subject to significant overspend pressure.

The current Children Looked After and Leaving Care baseline budget is £29.8m. Based on 2020/21 activity, the overspend projected for this budget is approximately £8.7m including pressure on the Semi Independent Placements. This pressure has been reported monthly to the S151 officer and quarterly to Cabinet.

There is a growth bid in for Children's and Adult's placements in response to overspend within placements and accommodation contracts, to bring the budget to a correct allocated amount; nevertheless it is fully recognised that the service also needs to do everything possible to drive down cost. This contract is part of the Sufficiency Plan and approach to drive down that spend.

In Children's we are seeking growth in three main areas of Children Social Care (Children Looked After, Leaving Care and Children with Disabilities), which includes Children Looked After of £8.431m and Leaving Care of £2.031m. These growth areas cover all placement costs, including the subject of this contract, Semi Independent Accommodation.

In this light, the flexibility of the DPS is intended to ensure we are able to generate competition to reduce price and get costs within budget.

From this financial year 2020/21 onwards, there is an expectation that pressure on this budget will be managed through a combination of better contract monitoring and control of expenditure, alongside practice to reduce the number of young people requiring placements.

The current COVID-19 pandemic has impacted on the timeliness of this report, as have a number of other large changes in relation to children's placements and social care provisions that have required intensive management from Commissioning and Procurement.

The proposal is to establish DPS 3 lot 3, to provide flexibility and mini-competitions that aim to drive down prices for larger call offs for block contracting, and for individual bespoke placements.

### **FORWARD PLAN KEY DECISION REFERENCE NO.: 0320CYPL**

The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.

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Following the agreement by cabinet of a procurement strategy to a full value of £260,080,000 for DPS 3 out of £1,500,000,000 for all three DPSs for Adults and Young People's Social Care across ten years (CCB1498/19-20); The Leader of the Council has delegated to the Cabinet Member for Children, Young People and Learning (Ref: 3220LR) the power to make the decisions set out in the recommendations below:

### 1 RECOMMENDATIONS

The Nominated Cabinet Member for Children, Young People and Learning in consultation with the Cabinet Member for Resources and Financial Governance is recommended by the Contracts and Commissioning Board to approve the following:

- 1.1 The establishment of, and initial appointment of suppliers listed in Part B of this report to, DPS 3 Lot 3 (Young People's Services) of the Adult and Young People Social Care DPS for a period of five years with an extension option for five subsequent periods each of one year, in line with the financials set out above.
- 1.2 Delegation of the award of contracts and placements called off under DPS 3 Lot 3 to be approved in accordance with the Council's Scheme of Financial Delegations and notified to Cabinet in accordance with paragraph 2.4 of this report.
- 1.3 Delegation of the future appointment of providers to DPS 3 Lot 3 to be approved by the Executive Director of Children, Families and Education in accordance with paragraph 2.4 of this report

### 2 SUMMARY

- 2.1 Semi-independent accommodation is part of a wide portfolio of accommodation sourced for Children Looked After and Care Leavers, including Residential Children's Homes, Foster Care (both internally and with Independent agencies), and for Care Leavers, independent accommodation. This contract forms part of the wider sufficiency plans for Croydon to ensure that Children Looked After and Care Leavers have sufficiently supported accommodation prior to achieving independence. For Children Looked After, it is a form of accommodation that we are trying to minimise the usage of as much as possible, though for some young people it is the most effective way to meet their needs while they learn independence skills. The plan through this DPS is to utilise the levers around cost and compliance it provides to ensure accommodation is of sufficient quality and location for our Children Looked After and Care Leaver's needs to be met effectively, and as locally as safely possible.
- 2.2 The content of this report has been endorsed by the Contracts and Commissioning Board.

CCB ref. number	CCB Approval Date
CCB1637/20-21	07/01/2021

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- 2.3 Children and Care Leavers who access Semi-independent accommodation and supported housing are between the ages of 16-21. As of the new year, we had 47 open placements for CLA, a reduction of 20 placements since April 2020. 11 of these young people were Unaccompanied and Separated Children (UASC) and the rest were local children. The cohort was 68% male and 32% female, and ethnicity was broken down as per the table below (X denotes a cohort too small to report publicly, as it would risk identifying specific children):

Ethnicity	Number of young people
A1 - White British	13
A2 - White Irish	X
A3 - Any other White background	7
B1 - White and Black Caribbean	5
C1 - Indian	X
C2 - Pakistani	X
C4 - Any other Asian background	X
D1 - Caribbean	7
D2 - African	X
D3 - Any other Black background	X
E2 - Any other ethnic group	X
<b>Grand Total</b>	<b>47</b>

- 2.4 We had 20 care leavers in such provision, most of which were local (the specific number cannot be reported publicly due to the small size of the UASC cohort). The ethnicity again due to the small numbers cannot be detailed in this report, but we can say that our records show it was 50% White British, Irish or other.
- 2.5 There are a number of reasons why they may access this provision, which is primarily accessed as a stepping stone between care and independence. Young people accessing it typically struggle to settle in foster placements, and have outgrown or struggle to cope in the more regimented and watchful environments that Children's Homes usually provide. They tend to be more likely to have mental health issues, gang and CSE risks, or learning difficulties that are unlikely to meet Adult Social Care thresholds, and in some cases specifically request environments that give them more freedom to live as young adults. In these placements, we specifically contract monitor on the agency's ability to prepare these young people for independence.
- 2.6 Placing young people in a semi-independent accommodation requires a delicately balanced Social Work assessment that balances up any safety concerns with the wishes of these young people. Croydon Children's Social Care have a policy that for any under 18 being placed in Semi-independent accommodation, these properties must be staffed 24 hours a day, and must meet our due diligence requirements.
- 2.7 As it stands, Croydon's previous framework lapsed on the 31/12/20. We are currently spot purchasing these placements from a list of providers we trust. The DPS helps us meet our due diligence requirements by having robust minimum standards for Safeguarding and Safer Recruitment. Utilising this DPS over the

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current arrangements – which will include a threat of being formally removed from the DPS for persistent breaches of quality standards - will enable us to better leverage these providers to ensure that those on the DPS meet these minimum standards. Competition for individual placements on the DPS will therefore seek to competitively drive down price among this safer pool of providers, shaping the market to deliver more positive outcomes for children. The impact therefore is likely to be positive, as it will enable a more dynamic and responsive market for our providers, meaning that there is always an opportunity for strong new or existing providers to work with the Council, rather than relying on historic relationships.

- 2.8 The DPS also gives us the opportunity to more strategically design provision via mini-competition under block contracting, which will act as a further financial incentive to enable providers to change their practices while delivering accommodation that is both more strategically designed to meet the needs of Croydon Children, while also being more cost effective. The more consistently guaranteed income from this sort of contract enables us to make clear from the start of a longer term provision what we want it to look like, how we want staff to behave, and to more robustly shape these provisions.
- 2.9 The procurement strategy for the establishment of three Dynamic Purchasing Systems ('DPS') for Health and Social Care (subsequently referred to as Adult and Young People Social Care) for the initial period of five (5) years with options to extend for five subsequent periods each of one year with a total estimated annual value of up to £150,000,000 was approved by Cabinet on 8th July 2019 (CCB Ref: CCB1498/19-20).
- 2.10 Pursuant to a recommendation of Cabinet on 19<sup>th</sup> December 2019, the Leader delegated to the Cabinet Member for Families, Health, and Social Care in consultation with the Cabinet Member for Resources and Financial Governance the authority to approve the appointment of suppliers to, and award of contracts and placements called off from, the DPSs. This delegation was subsequently amended for DPS 3 Lot 3 only to the Cabinet member for Children, Young People and Learning on the 25/8/2020 by the Leader of the Council.
- 2.11 The purpose of this report is to:
- a) agree the establishment and initial appointment of suppliers to DPS 3 Lot 3 (Young People's Services) with the providers listed in Part B meeting the minimum requirement for becoming an approved provider for health and social care services following the same process as that set out in the Lot 2 Report;
  - b) agree that the award of contracts and placements for DPS 3 lot 3 shall be undertaken and approved within the current scheme of delegation for children's placements for individual client call offs; that is to be signed off by the Director for Children's Social Care. For larger contractual call offs, these will still be undertaken via CCB and then to Lead Member level for contracts under £5m across the contract's lifetime and to Cabinet for

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contracts over this spend threshold. All individual purchase orders will – under the current S114 restrictions be scrutinised by the Spending Panel.

- c) agree that approval of future appointments of providers to DPS 3 Lot 3 shall be delegated to the Executive Director of Children, Families and Education. Such appointments shall be based on the same selection criteria and contract terms as applicable to the appointment of initial providers.

- 2.12 Reporting of future appointments approved in accordance with this delegation as well as call offs shall be notified in accordance with a report to the Executive Director of Children, Families and Education that sets out the providers, along with their quality scores, pricing scores and a pricing matrix at a minimum of annually, and more often should the DPS be opened more often than annually.

### 3 PROCUREMENT DETAIL

- 3.1 **Rationale for Procurement** – DPS 3 lot 3's inclusion in the three DPSs that sit across Children's, Gateway, Housing and Adult Social Care are an attempt to have all Supported Accommodation and Semi-independent providers in one place to offer the best chances of competition at both individual call off and block contract level. By having Registered Social Landlords compete with Private Semi-Independent providers, it is hoped that this will significantly affect pricing and quality of offers at both ends of the cost and quality spectrum so that Croydon Council have the highest likelihood of making supported housing placements that are good value for money.
- 3.2 DPS 3 lot 3 was set up with rigorous minimum standards around safeguarding and promoting independence, to ensure providers who were successful were able to give a robust account of their ability to keep services user safe and progress them towards being able to live on their own. Providers also had to achieve a minimum quality score overall to be successful.
- 3.3 **SQ Evaluation Summary Results** - There were 69 Selection Questionnaire Submissions received for DPS 3 for Lot 3.
- 3.4 **SQ Evaluation Stages 1 and 2** – 59 providers passed this section while only 9 failed. The main reasons for the failures were that the SQ's were not completed in full or where key documentation was not submitted.

#### **SQ EVALUATION for Lot 3 – Young People's Semi-Independent Accommodation**

- 3.5 The outcome of the Selection Questionnaire (SQ) evaluation process has involved the selection of approved providers, subject to financial credit checks, for DPS 3, Lot 3 and the following Service Categories (Full details can be found in Part B):
  - The Council received 59 applications

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- 45 of these applications failed Stage 3 of the SQ Evaluation process because they did not meet minimum standards in safeguarding, and promoting independence in general – though a number of providers submitted poor responses across all method statements.
- A further 3 providers had to be eliminated from all lots due to excessively high pricing
- A further 2 providers had to be eliminated from Band B only due to excessively high pricing
- 11 Providers passed all Stages across the following Price Bands:
  - 9 providers in Band A (24hr accommodation)
  - 9 Providers in Band B (Non-24hr accommodation)

\*Some providers were successful in both Band A and Band B.

### **Issues with DPS 3 Lot 3 as it stands**

- 3.6 While suitable for block purchased call offs, the DPS needs more providers to be fully suitable for spot purchase. There are a number of reasons for the low number of providers on this DPS. Firstly, many providers, including providers CSC are aware have an ability to perform well did not submit bids that were passable. This has revealed a need for market development with these agencies – almost all of which are Small-Medium Enterprises (SMEs) who balance bid writing with delivery of services amongst a relatively small staff group. Few of them have the available resources to hire a bid writer for instance.
- 3.7 Some providers quoted fees that were £150 on average a week more expensive than rates in the previous semi-independent framework. This meant that a number of providers needed to be excluded on price grounds. The reasons we have been able to establish so far (according to the limited communication we are legally able to facilitate during this period) that costs quoted are broadly in line with what many other local authorities are actually paying – however our previous framework had much lower rates, and was procured on the basis of 60/40 price/quality, which was against the trend of what a number of other local authorities at the time were doing. DPS 3 Lot 3 was 60/40 quality/price, and this naturally motivates providers less to reduce price. London Living Wage (which was not previously a requirement for tenders) has also contributed to price increase.
- 3.8 Finally, providers were requested to quote across eight service areas, but only given two pricing points by which to do so on the pricing matrix. This meant that providers for instance had to average out prices for supported accommodation services intended to serve twenty service users and solo units.

### **The strategy for resolving these issues**

- 3.9 It is envisaged that the next refresh – which we will likely be running within 3 months of the award – will need to have an amended pricing schedule for Lot 3 only so that we have prices for spot purchase that reflect the services being procured. This will be implemented alongside intense market engagement to ensure that providers are both aware of the opportunity, but also the expectations of working with Croydon,

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particularly in light of the recent S114 notice. This should mitigate some of the issues around LLW and the price/quality split. While other placement markets are firmly sellers markets, there is a plentiful supply of semi-independent providers that can be competitive if shaped and developed correctly, and we – through this corrective activity – aim to utilise the DPS to do this.

- 3.10 In the interim, it is likely that we will see spot purchase occur out of the DPS while sufficiency is established. To this end the CFE commissioning service will work with the placements service to establish a 'safe' list of spot purchased providers, based on our recent visiting activity, which will also form a core of providers that alongside wider engagement and national advertising we encourage to get onto the DPS. Vital to this activity will be a total re-working of the Individual Placement Agreement, and negotiation by the Children's Social Care Placements Team. These however will be free of the price controls and mini competitions that we can build into a DPS and will be much more of a gamble. Spot purchased placements outside of the framework are overall more costly currently – but are often used for higher needs clients.
- 3.11 Irrespective, the block purchase opportunities afforded by this tender do present clear possibilities for value for money – with block purchased Supported Housing provided by Registered Social Landlord possibly offering up to £800 a week better value for money than privately owned spot purchased semi-independent provision. For a core of service users, this may present a good opportunity to procure accommodation in a more strategic and effective way.

## 4 CONSULTATION

- 4.1 **Suppliers:** For DPS 3 the Project Team spent time specifically engaging with the social care market before and during the application window. Several market warming events were held earlier in the year and two market briefings were held at the Croydon Conference Centre on Monday 7th and Wednesday 9th October 2019. Over 150 organisations attended the conferences. Supplier engagement events have also taken place for the three DPSs (100 suppliers attended) and DPS 2 (90 suppliers attended). For the children's aspect however, it appears that engagement was not sufficiently robust – a number of our trusted suppliers were not aware of the opportunity, despite it being advertised nationally. For future refreshes we will ensure that the opportunity is clearly communicated.
- 4.2 **VCSE:** The procurement opportunity will be open to VCSE groups to work as a direct suppliers and with main suppliers as a partner or sub-contractor. The flexibility of a DPS allows for multiple opportunities for providers to engage and be successfully appointed, which in turn allows for more responsive and regular market development.
- 4.3 **Stakeholders:** Senior managers within Children's Social Care were consulted as part of the design of this lot, and data from advocacy services and Children Looked After Reviews formed some of the opinions of what practice was key to improve. Ongoing consultation with EMPIRE and the Children In Care Council will

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form part of our ongoing commissioning strategy and any larger mini competitions on this lot.

### 5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The current Children Looked After and Leaving Care baseline budget is £29.8m. Based on 2020/21 activity, the overspend projected for this budget is approximately £8.7m including pressure on the Semi Independent Placements.
- 5.2 There is a growth bid in for Children's and Adult's placements in response to overspend within placements and accommodation contracts, to bring the budget to a correct allocated amount; nevertheless it is fully recognised that the service also needs to do everything possible to drive down cost. This contract is part of the Sufficiency Plan and approach to drive down that spend.
- 5.3 In Children's we are seeking growth in three main areas of Children Social Care (Children Looked After, Leaving Care and Children with Disabilities), which includes Children Looked After of £8.431m and Leaving Care of £2.031m. These growth areas cover all placement costs, including the subject of this contract, Semi Independent Accommodation.
- 5.4 Large parts of the overspend in Care Leavers particularly is due to inadequate arrangements around block purchased housing accommodation that sits across both cohorts. A review is taking place of our Supported Housing across directorates, and Children's Social Care, and CFE Commissioning are a partner in this process.
- 5.5 DPS 3 Lot 3 is suitable for large block purchased procurement, which is necessary to shore up our Supported Accommodation offer effectively. Spot purchased capacity needs to be improved, and the reasons for this, and our strategy for doing this set out below.

#### **The effect of the decision**

- 5.6 **Competition on price** – Once the Lot 3 of DPS 3 is at sufficient capacity, it will be an effective procurement system to call-off appropriate volumes of care within budgetary constraints. Currently spot purchase is used frequently across these service areas where, aside from regulatory reports and some monitoring, there is insufficient information on the quality of the services. All services through the DPS will have passed a quality threshold. Furthermore provider costs will be built into the DPS rather than providers naming their price. The use of mini-competition allows for further submissions on quality and revised pricing.

#### **London Living Wage**

- 5.7 As a LLW borough, all applicable contracts will include the requirement to pay the LLW. This is an important investment in the social care workforce which should result in increased productivity. LLW will apply to all new semi-independent and supported living contracts called off of DPS 3 Lot 3.

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### Other Risks

- 5.8 **Not committed spend** - Spend through the DPS is not committed spend as the commitment only applies to the quantities required for each call off or mini competition. This means that if the budget were to increase or decrease in the future, the required volumes could easily change year on year to reflect this. The intense focus on governance and budget management ensure that all spend is scrutinised by budget holders, and other staff in the council on a minimum of a monthly basis.
- 5.9 **Commissioning outside DPS** – For the children’s lot, there is a risk that spot purchase will occur outside of the DPS, due to the low number of suppliers on the list. This will be mitigated through a refresh with an amended pricing structure and more effective engagement with the market.
- 5.10 **Staff resources** – Setting up a DPS is a resource intensive process. At the time of awarding the previous DPSs, the Children’s Placement Team sat in the Commissioning and Procurement Division, with a view to integrate their functions into wider brokerage support. The rationale at this point, was that the wider integrated commissioning function would be able to absorb some of the workload here. The Children’s Placement Team have recently been reassigned back into Children’s Social Care however, and it is likely that the workload would need to be shared between this team and CFE Commissioning. To mitigate this, we will simply have to re-open the DPS sparingly.

### Options

- 5.11 Options were considered as part of the RP1 Make or Buy report agreed by CCB in 2018. Using the DPS enables more frequent refreshing of the bidder base and prices, to better match the dynamics in the supplier market and gain the continual value improvements.

### Future savings/efficiencies

- 5.12 The main saving anticipated is the ability to more effectively procure block purchased accommodation for 16-18 year olds, which is not something any of the other DPSs are currently able to do. Utilising more strategic commissioning and needs assessment, we will work with the supported housing providers who have been successful on this lot to ensure that we are able to meet the needs of young people in need of care and support while also taking advantage of economies of scale.

Approved by: Kate Bingham Head of Finance, Children Families and Education, on behalf of Matt Davis, Deputy S151 Officer.

## 6 LEGAL CONSIDERATIONS

- 6.1 The legal considerations are as set out in this report.

Approved by: Sonia Likhari, Solicitor, on behalf of the Director of Law and Governance

## **7 HUMAN RESOURCES IMPACT**

- 7.1 There are no direct Human Resources implications arising from this report for Croydon Council employees. Nonetheless, this procurement strategy could result in service provision changes, as services are called off from the DPS's and new contracts are awarded, which may invoke the effects of TUPE (Transfer of Undertakings (Protection of Employment) 2006 Legislation, amended 2014). The application of TUPE will be determined by the incumbent and the new service providers, for which the Council is the client. On that basis, the role of the Council would usually extend no further than facilitating the process.
- 7.2 Paying LLW rates where applicable will be a contractual requirement of the DPS approach. National Living Wage, as set by Living Wage Foundation, will apply to contracts in other parts of the country.

Approved by: Debbie Calliste, Head of HR for Health, Wellbeing and Adults, on behalf of the Director of Human Resources

## **8 EQUALITIES IMPACT**

- 8.1 An Equalities Analysis has been completed by the e-market place implementation team to ascertain any potential impact on protected groups in relation to the creation of DPS to supply services. This was approved by CCB in 2018.
- 8.2 The services positively promotes equalities across all groups with protected characteristics. The provision of personal care services promotes independence, improves quality of life.

Approved by: Yvonne Okiyo, Equalities Manager

## **9 ENVIRONMENTAL IMPACT**

- 9.1 There are no adverse environmental impacts to the report.

## **10 CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There are no adverse implications for crime and disorder arising from this report. There are however, positive implications by supporting homeless people and people with mental health problems, drug and alcohol abuse, etc.

## **11 REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 The procurement carried out has been compliant with the approved procurement strategy, the Council's Tenders and Contracts Regulations and the Procurement Contracts Regulations 2015. The DPS offers an end to end process for commissioning and award of a range of services for adults and young people.

## **12 OPTIONS CONSIDERED AND REJECTED**

- 12.1 An Options Appraisal was considered as part of the RP1 (Make or Buy) report, which has been agreed by CCB. The establishment of DPS 1 - 3 ensures that the Council are getting the best possible value for money in relation to the purchase of personal care and supported housing services. Procuring outside of the DPS would not enable the Council to achieve the savings detailed within this paper.
- 12.2 The establishment of a Framework similar to the previous IFA. A framework is considered in this case to be too restrictive as the maximum term is limited to 4 years maximum. New suppliers cannot be added to the framework of approved suppliers unless the framework is refreshed.
- 12.3 Without a DPS or Framework, the Council would have to advertise and tender all services every time a new service is required. The process is very in-efficient and time consuming, requiring extra staff.
- 12.4 Spot purchasing services as and when required – this approach is considered to be non-compliant with the Council's financial regulations and EU and UK Procurement legislation.

## **13 DATA PROTECTION IMPLICATIONS**

### **13.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

**YES** - The first (current) stage of the establishment of the DPS's for Adults and Social Care services does not involve the processing of personal data about service users. However, all providers have been asked to confirm that they comply with current GDPR legislation as well as providing their data protection policies and procedures. This has been evaluated for all providers (as a pass/fail question in the Selection Questionnaire).

In the second call off stage any Approved Providers who are awarded a contract or placement, will process some personal data on behalf the residents and the Council namely identity data, some financial data and health and care data.

### **13.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

**IN PROGRESS** - A Data Protection Impact Assessment is being undertaken for the second call off stage. Additionally as part of contract mobilisation further work will be undertaken on the Assessment with the approved providers who are awarded contracts from the DPS who will process and or hold some data on behalf of the Council and residents. For example, the Council in some cases the Council will need to create a three-way data sharing agreement with the preferred provider and Croydon CCG.

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Approved by: Debbie Jones, Executive Director for Children, Families and Education

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**BACKGROUND DOCUMENTS:** None