

Title of report: Contract Award: Child Protection and Court Teams

Decision maker: Cabinet Member Children and Families

Decision date: 23 November 2022

Report by: Senior Commissioning Manager - All age disability

Classification

Part exempt The name of the preferred provider will be held in an exempt appendix until the appropriate standstill period has elapsed.

Decision type

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

(All Wards);

Purpose

To approve the award of a contract for a managed service to provide four Child Protection and Court social work teams from 28 November 2022 to 31 March 2023, at a value of up to £1.2m, with potential to extend for up to 12-months if required at a further maximum value of £3.4m subject to appropriate governance, bringing the total potential value to £4.6m should the full extension option be required.

Recommendation(s)

That:

- a) Following the outcome of a competitive procurement exercise, a contract is awarded to the preferred bidder, as set out in Appendix 1, for the provision of four Child Protection and Court Social Work teams from 28 November 2022 to 31 March 2023 at a value not exceeding £1.2m, with an option to extend for up to a further 12-months to 31 March 2024; at a maximum value of £3.4m and**
- b) Authority is delegated to the Director for Children and Young People to take a further operational decisions, in consultation with the Cabinet Member and Section 151 Officer,**

to implement an optional extension period, if required, in line with the council's standing procurement, financial and governance requirements.

Alternative options

1. Do nothing. The current interim contract, which provides for 24 social worker and 4 manager roles across four teams, will end on 25 November 2022. The loss of this capacity would cause significant further pressures within children's social care and mean that c.350 current cases would not have an allocated social worker.
2. Attempt to re-engage agency workers on an individual basis. With demand for agency support being high across the country there is a risk of an abrupt service disruption if workers were suddenly reallocated by their agency to work elsewhere. The proposed contract for a managed service places the responsibility for delivering the required personnel on the service provider to ensure that operational work is delivered, which minimises the impact in potential turnover of individual agency workers.

Key considerations

3. The workforce pressures within children's social care are well understood and were most recently highlighted by the 2022 Ofsted inspection of the council's children's services. As part of its ongoing improvement journey, the council's children's services has entered into a range of arrangements since 2020 to secure additional frontline capacity either through individual roles or managed teams. For example, during the period one agency withdrew a pool of workers after only a few days of being in place in Herefordshire to work on a project elsewhere and, more recently, a second provider decided to withdraw its provision of two managed teams of social workers as the scope of its work evolved in light of learning arising the council's improvement programme and Ofsted inspection findings.
4. On 15 September 2022, the Director for Children and Young People took the decision to directly award a short-term contract for the provision of four managed social work teams to support the Child Protection and Court service. The contract period runs from 1 October 2022 to 25 November 2022 and is intended to ensure that frontline work continues to be delivered while a compliant competitive procurement exercise was undertaken that will lead to the award of a new contract as proposed by this report.
5. While a contracted approach is not seen as the long term solution, it is intended to provide essential capacity to help manage caseloads, improve practice and ensure that children and families are supported at the right time and in the right way. It is imperative that the Child Protection and Court service is able to provide timely and appropriate interventions through plans that are Specific Measureable, Attainable, Relevant and Time Limited (SMART) and reviewed regularly. The proposed contracted service will continue to provide additional capacity within the Child Protection and Court service to support the council's improvement journey. It will ensure that the voice of the child is captured and that this is incorporated into SMART and proportionate assessments and plans, ensure that plans are reviewed on a regular basis and progress plans without undue delay always ensuring that the children and their families are kept informed and that their voice is captured and recorded.
6. The new contract will provide for four managed children's social care teams to support the Child Protection and Court Service. Each team will include:
 - i. **6x full-time equivalent Qualified Social Workers (QSW)**
 - Minimum of 4 years post qualifying experience with relevant statutory experience

- Flexibility around working from home/office but minimum requirements of face to face visits for all children and families

ii. 1x full-time equivalent Team Manager (TM)

- Minimum of 8 years post qualifying Experience
- Minimum of 5 years TM experience

7. An invitation to tender for a contract from 28 November 2022 to 31 March 2023, with an option to extend for up to a further 12-months, was published through the council's procurement portal. The tender period closed on 9 November and bids were received from four potential providers. The council's commercial services department undertook the required checks to ensure that bids were compliant before being put forward for evaluation. Four compliant bids have been evaluated, with the successful provider to be set out by Appendix 1.

Community impact

8. The County Plan 2020–2024 includes the ambition to 'strengthen communities to ensure everyone lives well and safely together'. Specifically, the council aims to:
- Ensure all children are healthy, safe, and inspired to achieve;
 - Ensure that children in care, and moving on from care, are well supported and make good life choices; and
 - Protect and improve the lives of vulnerable people.
9. Based on current caseloads in children's social care, the proposed contract is expected to maintain support for c.430-480 cases, and will make a significant contribution to keeping children safe and the council's role as corporate parent during the children's services improvement programme period. The term 'corporate parent' means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for children who are looked after by the council. Being a good corporate parent means the council should; accept responsibility for children in the council's care; make their needs a priority; and seek for them the same outcomes any good parent would want for their own children.
10. Corporate parenting responsibilities are not confined to elected members. All officers share the responsibility to promote the needs of looked after children. Key responsibilities of all officers are: to promote the life chances of looked after children and care leavers in their area of responsibility; and to consider the impact of decision making on looked after children and care leavers.

Environmental Impact

16. The contract requires that the provider:
- when working on premises where the Services are being provided work in accordance with the council's environmental policy, which is committed to the prevention of pollution, reduction of CO₂ emissions, minimise the environmental impacts associated with all activities, products and services of the council's business;

- ii. will follow a sound environmental management policy so that its activities comply with all applicable environmental legislation and regulations and that the Services are delivered in ways that are appropriate from an environmental protection perspective; and
- iii. will comply with all applicable environmental legislation and other requirements as appropriate to the Services.

Equality duty

17. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
18. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

19. Funding of up to £1.2m for the contract to 31 March 2022 has been agreed through the Children's Services Transformation budget. The council will supply workers engaged through the contract with a secure laptop so that children's records can be updated. The contract price is based on a unit cost of one team (six workers and one manager) per week and is inclusive of all costs including mileage and accommodation, this will provide a ceiling cost. Where costs are lower than anticipated, for example because of worker absence, vacancy, or expenses not incurred, the council will consider reallocating resources over the remainder of the contract period and/or reduce the overall contract price to account for any remaining underspend.
20. The contract includes an option to extend for up to a further 12-month period. Children's Services will determine the requirement and funding of any extension period by February 2023 in order to provide sufficient notice to the provider and its workers. Assuming that a full 12-month extension were required at the same capacity level, a budget pressure of c.£3.4m could be anticipated for 2023/24, which will be included in the budget setting and governance for the next phase of the Children's Services improvement programme if required.

Legal implications

21. The council is subject to a number of statutory duties under the Children Act 1989 as amended by the Children Act 2004 to safeguard and promote the welfare of children and the contract for the provision of children protection and court teams support these duties.
22. The procurement for the provision of the children and court team services has been undertaken in accordance with the council's contract procedure rules and the Public Contract Regulations 2015.

Risk management

| Risk / opportunity | Mitigation |
|--|---|
| <p>23. Operational – if there were a change of provider as a result of the procurement exercise, there would be a significant turnover of 30 workers and managers that would cause disruption to case management and the frontline work delivered to children and families</p> | <p>A two-week mobilisation period has been planned from the intended contract award point to the 28 November when the contract is proposed to start. The service specification requires providers to work with the council during the mobilisation period to ensure that a full complement of teams (30 people) are able to commence from 28 November 2022.</p> <p>Children's social care will manage the handover of case work between providers and the necessary logistics ahead of the contract start date with others across the council, for example issuing in of laptops and induction of workers. This will be a challenging timescale. It may be feasible to extend some of the work of the incumbent provider if absolutely necessary, which may incur additional operating costs.</p> |
| <p>24. Operational – social workers engaged through the contracted service may not meet the standards and expectations of the council</p> | <p>The contract sets out the minimum post qualification experience required for both worker and manager roles. The provider is required to ensure that each worker completes an enhanced check through the Disclosure and Barring Service (DBS) and has current Social Work England Registration, including checks for any professional hearings or decisions.</p> |
| <p>25. Operational – the caseloads supported by the contract provider could become isolated from wider social care operations</p> | <p>Workers will be enabled to use council systems, such as Mosaic, and will be required to follow all council safeguarding policies and procedures. The four teams will form part of the Child Protection and Court service. The work of the four teams will be reported and overseen within the Child Protection and Court service management framework and to the Directorate Leadership Team.</p> |

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| <p>26. Operational and Financial – if demand does not reduce and/or the children’s social care workforce is not sufficiently strengthened, it may be necessary to extend the contract beyond March 2023 at significant cost.</p> | <p>The directorate’s improvement plan is seeking to address the workforce challenges in children’s social care. Part of this activity is to ensure that work is taking place in the right parts of the service, including early help and interventions provided by our partners. This should see a reduction in demand. In addition to this we are seeing a plateauing of legacy cases and it is envisaged that this will start to decrease and should free up capacity in due course</p> <p>Children’s services will determine the requirement for any extension period by February 2023 in order to provide sufficient notice to the provider and its workers. Assuming that a full 12-month extension were required at the same capacity level, a budget pressure of c.£3.4m could be anticipated. Approval of such budget, if required, would comply with the council’s normal governance requirements and children’s improvement processes. Subject to budget being approved, it is the recommendation of this report that the decision to implement any contract extension is delegated to the Director for Children and Young People.</p> |
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Consultees

27. A Political Group Consultation was held on 4 November 2022. Members understood the wider children’s services improvement programme and acknowledged the difficulties in recruiting sufficient social workers.
28. With regard to this decision, the key concern shared by members was the potential disruption that could arise from a change of provider and the impact that this could have on children and families who may already have experienced several changes of social workers. It was also expressed that the needs of, and consistency of support for, children should be the primary focus ahead of a procurement process that focussed on achieving value for money.
29. Members asked why the contract hadn’t been exempted from the councils standing contract procedure rules so that the incumbent provider could be retained if its performance had been satisfactory. While, in certain circumstances, the council may decide to exempt an issue from its own contract procedure rules, the value of this contract requires the council to comply with the Public Contract Regulations 2015 as it is over the UK Procurement Threshold for Light Touch Services. The council is not able to waive compliance with the legislative requirements of the Public Contract Regulations 2015. The direct award of the contract could result in a risk of procurement challenge from another provider and the risk is considered to be medium to high.
30. On the operational perspective, members repeated their concerns on the potential disruption that could be caused by changes to social workers that are currently supporting over 350 cases. The importance of consistent personal contact and relationship building was also highlighted. To minimise any potential disruption, a short mobilisation period has been planned before the new contract is due to commence and potential bidders were asked to confirm the details of their workers as part of the tendering process. In the event of a change of provider in the short-term, one option may be to extend the hand over period between the incumbent and new provider, which may incur additional cost. Should the contract be extended after March

2023, it could provide up to 16-months of stability, although Children’s Services are currently confident that an extension may not be necessary.

31. Members also asked about how the background of workers is scrutinised to ensure that they meet quality expectations, and how overall success of the contract would be measured. The provider is responsible for ensuring the safer recruitment, experience, qualifications, and background checks on each worker, with details being shared with children’s social care to ensure satisfaction before a worker commences. In terms of positive impact, it is expected that support from the contracted service will mean that current trends can be maintained with more children no longer needing a child protection plan by the end of March 2023 meaning that they can be stepped-down to Child In Need or Early Help services as appropriate.

Appendices

Appendix 1 – Contract Award: Child Protection and Court Teams Tender Outcome (Exempt until procurement standstill period completed)

Background papers

None Identified.

Report Reviewers Used for appraising this report:

| Please note this section must be completed before the report can be published | | |
|---|------------------------------------|-------------------------------|
| Governance | John Coleman | Date 14/11/2022 |
| Finance | Louise Devlin | Date 01/11/2022 |
| Legal | Alice McAlpine Kimberley Gaffey | Date 04/11/2022 09/11/2022 |
| Communications | Luenne Featherstone | Date 14/11/2022 |
| Equality Duty | Harriet Yellin | Date 09/11/2022 |
| Procurement | Carrie Deeley | Date 11/11/2022 |
| Risk | Elizabeth Freedland | Date 09/11/2022 |
| Approved by | Darryl Freeman | Date 14/11/2022 |