

## **CABINET**

**8 MARCH 2016**

### **GATEWAY 4 PROCUREMENT CONTRACT REVIEW: FAMILY GROUP CONFERENCE SERVICE**

Portfolio Holder: Councillor Mike O'Brien, Children's Services  
Councillor David Brake, Adult Services

Report from: Barbara Peacock, Director of Children and Adults Services

Author: Marilyn Morgan, Senior Partnership Commissioning Officer

#### **SUMMARY**

This report provides an update to the progress of the contract currently delivered through the supplier(s) as highlighted within 1.3 of this Report.

This Gateway 4 Report is being submitted to the Cabinet in order to note the outcome of the Family Group Conference (FGC) review and approve continuation of the contract. The Gateway 4 report was presented to the Children and Adults Directorate Management Team on 19 January 2016 and Procurement Board on 17 February 2016.

#### **1. BACKGROUND INFORMATION**

- 1.1 A Family Group Conference is a family led approach that enables family members to reach decisions based on the best interests of a child or vulnerable adult who is at risk. Young people and vulnerable adults are normally involved in their own Family Group Conference, although often with support from an advocate. It is a voluntary process and families cannot be forced to have a Family Group Conference.
- 1.2 Families, including extended family members, are assisted by an independent FGC coordinator to prepare for the meeting. At the first part of the meeting, social workers and other professionals set out their concerns and what support could be made available. In the second part of the meeting family members meet by themselves to make a plan for the child/adult. The family should be supported to carry out the plan, unless it is not considered to be safe.

- 1.3 After competitive tendering, the Family Group Conference contract was awarded to Family Action. The contract duration is three years with the option to extend for a further two years.
- 1.4 The contract started 18 July 2012 and the option to extend for a further two years was exercised in July 2015. The contract ends in June 2017.
- 1.5 The Service Provider, Family Action was originally required to provide the following:
  - A minimum of 4 children's services conferences per calendar month
  - A minimum of 1 conference per calendar month in relation to protecting Vulnerable Adults
  - Advocacy in relation to adult conferences when deemed necessary
  - Additional conferences as agreed with the provider
  - Access to conflict resolution when deemed necessary.

### **Children's conferences**

- 1.6 As a consequence of a low rate of referrals to the children's FGC service, at the request of Procurement Board this element of the contract was varied down to a minimum of a minimum of 2 children's services conferences per calendar month (with effect from 1 April 2014).
- 1.7 However, no savings were made as a consequence of reducing the number of core contracts paid for quarterly in advance and as referrals and the number of delivered conferences increased, a waiting list came into operation.
- 1.8 In November 2014, Procurement Board agreed that the number of core contracts should revert to the terms of the original contract, i.e. 48 per annum, to enable the provider to employ permanent staff to tackle the existing waiting list.

### **Vulnerable Adults**

- 1.9 The contract was varied in September 2014 to allow for an infrastructure to remain in place so that FGCs could be spot purchased at a reduced rate should the need arise. The Adult infrastructure element of the FGC contract will not be funded from April 2016, but the service may continue to spot purchase from operational budgets. (See exempt appendix).

## **2. STATUTORY OBLIGATIONS**

### **2.1 Statutory/Legal Obligations**

- 2.1.1 Whilst not a statutory service in its own right, the FGC supports the Authority's statutory safeguarding duties. The FGC model is an internationally recognised method of meeting the required outcomes for children on the edge of care.

- 2.1.2 Family Group Conferences are also recognised in court proceedings as providing solutions to a range of issues, including finding alternative carers for children.
- 2.1.3 The FGC model supports compliance with the Mental Capacity Act in supporting people to be central to decision-making processes. Additionally, the model supports increased safety of the vulnerable adult within improved family support and functioning.

### 3. BUSINESS CASE

#### 3.1 Procurement Project Outputs / Outcomes

3.1.1 The following procurement outcomes/outputs identified as important at Gateway 1 to the delivery of this procurement requirement and identified as justification for awarding the contract at Gateway 3, have been appraised in the table below to demonstrate how the procurement contract and corresponding supplier(s) has delivered said outcomes/outputs.

| Outputs / Outcomes   | How will success be measured?   | Who will measure success of outputs/ outcomes | When will success be measured?               | How has contract award delivered outputs/outcomes?   |
|--|---|---|--|--|
| 1. Where safe to do so, to reduce the number of children coming into the care of Medway Council. | Reduction of the number of children coming into the care of Medway Council                  | Children's Social Care                        | The measurement will be an on-going process. | From January 2014 to December 2014, of the 114 children who were the subject of an FGC, 49 had their involvement with CSC closed and 17 stepped down to a lower level of concern |
| 2. Where safe to do so, children remain within the family  | The outcome of the conference will be a child remaining with the family where safe to do so | Children's Social Care                        | At the outcome of the FGC and then on-going  | 20 children were placed with family members, including being return to the care of their parents with the support of the wider family  |
| 3. Comply with the courts' request to hold a FGC prior to court proceedings                      | Reduction in the time taken in court proceedings  | Children's Social Care                        | On-going                                     | The focus has shifted towards the use of FGCs at an earlier stage of concern   |
|  |   |   |  |  |

|  |  |                          |  |  |
|--|--|--------------------------|--|--|
| <p><b>4.</b> Compliance with Mental Capacity Act in supporting people to be central to decision-making process, when they have been the victim to an allegation of abuse</p> | <p>Increased involvement and satisfaction of customers who are subject to safeguarding adults' process</p> | <p>Adult Social Care</p> | <p>At the outcome of the FGC and then on-going</p> | <p>8 referrals have been received this financial year:<br/> 3 closed without a conference taking place<br/> 4 cases are ongoing<br/> 1 conference has been completed and a plan put in place to safeguard the vulnerable adult</p> |
| <p><b>5.</b> Increased safety of vulnerable adult which increases family support and functioning</p>   | <p>Protection (safety) plans are in place agreed by all members of FGC</p>                                 | <p>Adult Social Care</p> | <p>At the outcome of the FGC and then on-going</p> | <p>The families feedback about being together to discuss issues affecting them was positive.</p>   |
| <p><b>6.</b> The Vulnerable adult protected as part of a FGC feels safer</p>   | <p>Provider reports, client surveys and feedback</p>   | <p>Adult Social Care</p> | <p>At the outcome of the FGC and then on-going</p> | <p>See above</p>   |

#### 4. RISK MANAGEMENT

Risk Categorisation – The following risk categories have been identified as having a linkage to the procurement contract at this Gateway 4 stage.

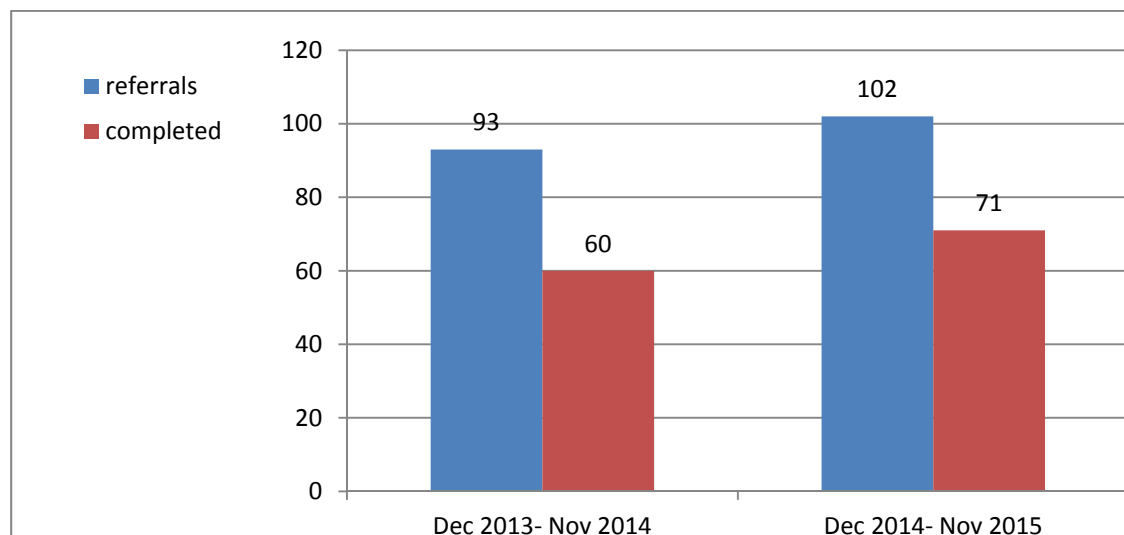
|  |                                |                            |
|--|--------------------------------|----------------------------|
| <b>1. Risk Category: Funding</b>   | <b>Likelihood: Significant</b> | <b>Impact: Critical</b>    |
| <b>Outline Description:</b> Internal funding pressures lead to the need to reduce or terminate the funding   |                                |                            |
| <b>Plans to Mitigate:</b> The contract documents state that the contract is subject to funding availability  |                                |                            |
| <b>2. Risk Category: Legal</b>   | <b>Likelihood: Low</b>         | <b>Impact: Critical</b>    |
| <b>Outline Description:</b> Delay in being granted court orders increased legal costs, and care costs of the child along with the risk of the authority being challenged by the courts.                                  |                                |                            |
| <b>Plans to Mitigate:</b> To follow the PLO (Public Law Outline), there is a requirement to carry out 'kinship assessment' prior to a court order being granted. Taking account of this requirement pre-empts this risk. |                                |                            |
| <b>3. Risk Category: Financial</b>   | <b>Likelihood: Low</b>         | <b>Impact: Significant</b> |
| <b>Outline Description:</b> Monthly contract cost being paid even though service is not being used.  |                                |                            |
| <b>Plans to Mitigate:</b> Close performance monitoring and liaison with contracting service. Renegotiation of the contracted fee.  |                                |                            |

## 5. POST PROJECT APPRAISAL/PERMISSIONS REQUIRED

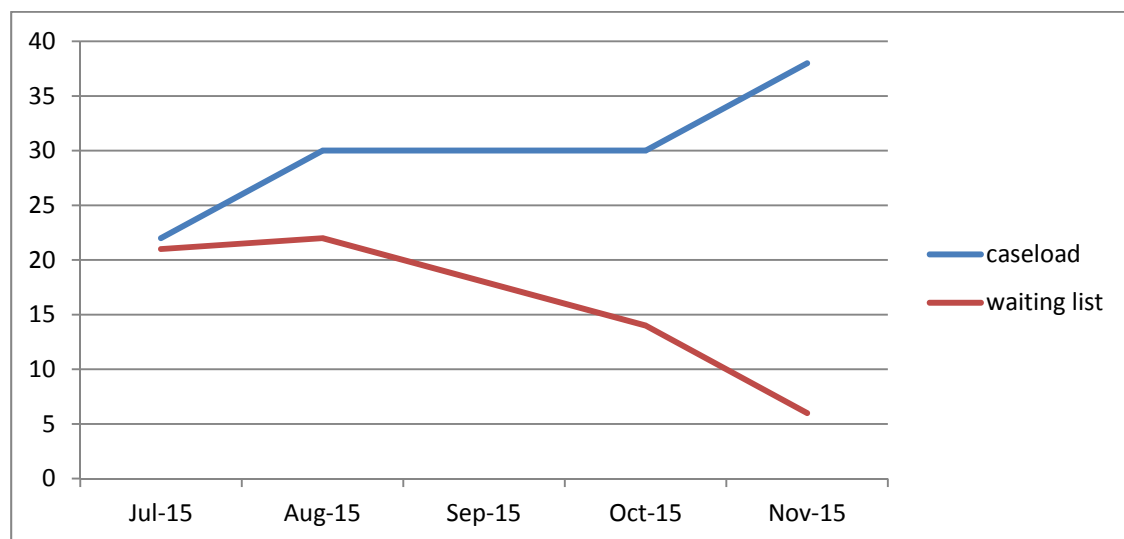
### 5.1 Post Project Appraisal

#### Children's Family Group Conference Service

- 5.1.1 To address the low level of referrals made to the FGC service an improvement action plan was put in place from October 2013.
- 5.1.2 As a result there was an increase in the number of referrals from Children's Social Care and the number of subsequent conferences taking place.
- 5.1.3 Figure 1 compares the number of referrals and completed conferences between two 12 month periods, 2013/14 and 2014/15 and demonstrates a rise of 18% in completed conferences. The annual target of 48 conferences (paid for in advance) was exceeded by nearly 50%.



**Figure 1 Referrals and completed conferences 2013/14 and 2014/15**



**Figure 2 Caseload and waiting list**

5.1.4 Figure 2 demonstrates that the waiting list (at a high of 22 in July 2015) has decreased significantly from August as newly recruited and trained staff have taken cases on.

### Outcomes from conferences

5.1.5 Figure 3 below shows the components of a sample of successful conferences taking place in 2014 (A successful conference is one where a family plan is produced and approved by children's social care).

#### Key:

|  |   |
|--|---|
|  | <b>Emotional/practical support only</b> |
|  | <b>Alternative care identified</b>      |

| Outcomes  |
|---|
| Identified those who are able to help supervise contact for older children. Alternative care/respice network (following care assessment).                 |
| Family awareness of Father's safeguarding issues, support network for Mother if she's concerned, support network for Father if he feels he may re-offend. |
| Supervised contact support.   |
| Contact support for Mother and Father, general emotional and care support.  |
| Parenting support and respice for children. Alternative care/respice network, pending parenting assessment.   |
| Parenting support from family and parenting skills for Father. Health and respice needs for child.  |
| Alternative care/respice network, pending parenting assessment.   |
| Alternative care/respice network. Educational and emotional support for child.  |
| Emotional and practical support for Mother and Father, identifying alternative care pending parenting assessment.   |
| Alternative care/respice network, pending parenting assessment. Contact proposals should the child be placed in family members' care.                     |
| Emotional and practical support, advice/support re: health conditions, support in identifying risks to Mother and child, alternative care within family.  |
| Parenting support for Mum within the family, alternative care within the family if Mum is deemed unfit to care for child.                                 |
| Practical support for Mum, remind Mum about appointments, preventative support for DA.  |



|   |
|---|
| Mental health care support (from the family) for Mum and practical/emotional support in caring for children.  |
| Mental health care support (from the family) for Mum and alternative care within the family if it comes to it.  |
| Emotional/practical support for the parents, alternative care within the family, pending the results of a parenting assessment.   |
| Identify family members who are able to help supervise contact.   |
| Emotional/practical support for the parents, advice/support with regards to child's health needs, relationship support for parents, support in identifying if child is exposed to risks or neglect. |
| Emotional/practical support for parents, support from the family should concerns arise about Mother's welfare.  |
| Alternative care for child; practical support for new carers from other family members, establish appropriate communication with Mother.  |
| Emotional/practical support for Mother in caring for child, help to access support services when she moves back to Ireland.   |
| Emotional/practical support, alternative care within the family if necessary.   |
| Emotional/practical support, alternative care within the family if necessary, who within the family is willing to facilitate contact.   |
| Emotional/practical support, support in protecting Mother and child's welfare.  |
| Emotional/practical/financial support; who can support older child when she falls out with Mother.  |
| Family members to support and facilitate contact, alternative care pending parenting assessment.  |
| Practical support for conflict between parents, support in stepping in if Father tries to contact Mother whilst she has the children.   |
| Practical support for parents, including respite and hygiene issues in the home. Helping open up social avenues for the children.   |
| Day-to-day care, on-going support in the home, long-term respite.   |
| Practical/emotional support for parents, support to identify if child is at risk of neglect, mediation between Mother and Father, support in facilitating contact.                                  |
| Emotional/practical support for child with learning disabilities, alternative care within the family.   |
| Emotional/practical support for parents, monitoring of parents' drug use.   |
| Emotional/practical/financial support for parents, support to ensure Mother is engaging with counselling/alcohol services.  |
| Emotional/practical support for the parents, ensuring that the children are cared for and not isolated.   |
| Emotional/practical support for parents, ensuring the children's health and educational needs are met. Alternative care within the family if deemed necessary.                                      |
| Financial/practical support for child, support in monitoring contact with parent.   |

|  |
|--|
| Emotional/practical support for the parents, alternative care within the family if deemed necessary.   |
| Emotional/practical support for Mother, support in facilitating contact with child.  |
| Emotional/practical support for parents, alternative care within the family if deemed necessary. Support in considering the implications of drug use and the effect it is having on parenting. |
| Emotional/practical support for Mother in caring for child, alternative care within the family if deemed necessary.  |
| Practical support and alternative care within the family pending a parenting assessment.   |
| Provide parenting support to Mother if Father is taken ill and practical/emotional support for the children.   |
| Emotional/practical support for parents, alternative care within the family if deemed necessary. Support with contact if children are placed in kinship care.                                  |
| Practical help with parenting and household issues for Mother, emotional support for children.   |

### Figure 3 Conference outcomes

Anonymised case studies are available within the exempt appendix to this report.

#### Feedback from families

5.1.5 The provider has contacted families taking part in conferences during 2014, with a 54% response rate.

Verbatim feedback from families includes:

“The FGC was a positive thing to happen and the fact that all family members from both sides met during that time was a good thing as well”

“FGC helped in long term, the children are with (Maternal Grandmother)”

“The children are now in good care”

“Things are better ever since the FGC”

“Social services is no longer in our lives”

“We no longer have a SW”

“Things have been good ever since the baby was born; having a clear plan really helped”.

#### Conflict Resolution

5.1.6 Conflict resolution is sometimes used as an alternative to an FGC, as a precursor to an FGC, and also as a ‘step down’ from a conference in order to help the family maintain positive relationships.

5.1.7 Twenty five conflict resolution referrals were received during the period. Sixteen cases reached a joint agreement. Six cases were ongoing into 2015, and eight were closed. Reasons for closure included change of

circumstances, the situation improved or the parties did not wish to engage.

- 5.1.8 Of the 11 proceeding to joint meetings, the main presenting issues were disputes between parents and older children and parental contact with the children post relationship breakdown.

Anonymised case studies are available within the exempt appendix to this report.

### **Vulnerable Adult Conferences**

- 5.1.9 8 referrals have been received this financial year:
- 3 closed without a conference taking place
  - 4 cases are ongoing
  - 1 conference has been completed and a plan put in place to safeguard the vulnerable adult.

### **Advocacy**

- 5.1.10 No advocacy hours have been purchased in respect of Vulnerable Adult Conferences.

## **5.2 Permissions Required**

1. To note the outcome of this Gateway 4 evaluation and approve continuation of the contract to June 2017.

## **6. CONTRACT MANAGEMENT**

### **6.1 Contract Management**

- 6.1 This contract will continue to be managed by the Partnership Commissioning Team.

## **7. CONSULTATION**

### **7.1 Internal (Medway) Stakeholder Consultation**

- 7.1.1 Children's Social Care and the Vulnerable Adults service have routinely been consulted as part of the performance management framework. The Children's Social Care lead attends contract performance meetings.

### **7.2 External Stakeholder Consultation**

- 7.2.1 The provider has completed a user survey as part of the contract.

## **8. PROCUREMENT BOARD**

- 8.1 The Procurement Board considered this report on 17 February 2016 and supported the recommendation in paragraph 10 below.

## **9. SERVICE COMMENTS**

### **9.1 Finance Comments**

9.1.1 Further detail is contained within Section 2.1 Financial Analysis of the Exempt Appendix.

### **9.2 Legal Comments**

9.2.1 The statutory position is set out at section 2.1 of this report. The legal risks in terms of delay leading to increased costs and legal challenges are set out at section 4. As this is a high-risk matter, any decisions must be referred to Cabinet as per Section 2.4.5 of the Contract Procedure Rules (CPR). There are no further legal implications arising from the contents of this report.

### **9.3 TUPE Comments**

9.3.1 Further to guidance from Legal Services, Human Resources and the Strategic Procurement Team, it was identified at Gateway 1 that as this is a Services related procurement contract, TUPE did apply.

9.3.2 The recommended contract award at Gateway 3 resulted in 3 employees being affected by TUPE and transferring as a result of the incumbent provider from the old contract not being successful as part of the previous procurement tender process.

9.3.3 The transferor and transferee are required to comply with their respective obligations under the TUPE regulations to minimise legal challenges.

### **9.4 Procurement Comments**

9.4.1 The client department reports that they are satisfied that the contractor has performed to a satisfactory standard in accordance with the original procurement requirements and specification with which the Council undertook the competitive tendering process, they are also happy with the outcome of the action plan that was put in place in October 2013 which has led to an increase in referrals and conferences. This action plan will continue throughout the next year of the contract to ensure numbers do not decrease. Should it become apparent that the contract is not delivering against the outputs and outcomes identified at the initial procurement, then a Gateway 5 report will be brought at the earliest opportunity to the Procurement Board and Cabinet.

### **9.5 ICT Comments**

9.5.1 There are no ICT implications.

## **10. RECOMMENDATION**

10.1 The Cabinet is requested to note the results of the Gateway 4 evaluation and approve continuation of the contract to June 2017.

## 11. SUGGESTED REASONS FOR DECISION

- 11.1 The current contractor has performed to a satisfactory standard in accordance with the original procurement and specification.

### LEAD OFFICER CONTACTS

|                   |                           |                    |                                       |
|-------------------|---------------------------|--------------------|---------------------------------------|
| <b>Name</b>       | Marilyn Morgan            | <b>Title</b>       | Snr Partnership Commissioning Officer |
| <b>Department</b> | Partnership Commissioning | <b>Directorate</b> | C&A                                   |
| <b>Extension</b>  | 8696                      | <b>Email</b>       | marilyn.morgan@medway.gov.uk          |

### APPENDICES

Exempt appendix

### BACKGROUND PAPERS

The following documents have been relied upon in the preparation of this report:

| Description of Document | Location  | Date       |
|-------------------------|---|------------|
| GW1                     | <a href="http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=7393">http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=7393</a>   | 04/10/2011 |
| GW3                     | <a href="http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=8381">http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=8381</a>   | 17/04/2012 |
| GW4                     | <a href="http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=11653">http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=11653</a> | 26/11/2013 |
| GW4                     | <a href="http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=12013">http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?IId=12013</a> | 02/12/2014 |