

CABINET

26 JULY 2022

GATEWAY 1 PROCUREMENT COMMENCEMENT - FAMILY TIME (CONTACT SERVICE) FOR CHILDREN IN CARE AND THEIR FAMILIES

Portfolio Holder: Councillor Mrs Josie Iles, Portfolio Holder for
Children's Services (Lead Member)

Report From: James Williams, Director of Public Health

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Commissioning and Quality Assurance

Summary

This report seeks permission to commence the procurement of the Family Time (Contact Service) for children in care and their families. The report was previously considered by the Procurement Board on 15 June 2022.

Procurement Overview

Total Contract Value (estimated): £975,024 as set out in the exempt appendix

Regulated Requirement: Yes

Proposed Contract Term: 4 years plus 1-year extension option

1. Budget and Policy Framework

1.1. The budget is part of the Children's Service's annualised budget. It is a statutory requirement to provide this service to children in care who live away from their families and require family contact time.

2. Background Information and Procurement Deliverables

2.1. The Family Contact Service undertakes the supervision and observation of contact between children who are the subject of care proceedings and family members. Care Proceedings are when a Local Authority issues an application to a court for a "Care Order" or "Supervision Order". These orders are requested when in the opinion of the local authority, action is required to safeguard the wellbeing of a child (children) and they are taken into the care of the local authority.

- 2.2. The Council acts as the Corporate Parent for vulnerable children whom for various reasons cannot currently live with their families and recognises the importance of supervised contact which ensures the safety and wellbeing of children and care. The Council aims to create a stable, secure, and sensitive set of arrangements between parents/caregivers and children.
- 2.3. The Family Contact Service will only be provided up until the final court hearing. Most contact will be court directed and contact for families follows the same structure nationally. Social Workers oversee the referral process to the service for children and families. The frequency of family time will always be considered on a child-by-child basis, legal and court instructions and will be regularly reviewed as part of the care planning process.
- 2.4. The number of hours of direct contact and associated activity for this service is approximately 8,000 per annum. Contact sessions range from 1 to 4 hours duration. Most sessions average 1.5 to 2 hours.
- 2.5. Parent Company Guarantee/Performance Bond
Not required.
- 2.6. Market Conditions
 - 2.6.1. The service is currently provided by an external provider. As a result of a recent commissioner and provider engagement event (May 2022) it is expected that there are other local, specialist and national agencies who may tender for this service and provide competition.

3. Procurement Dependencies and Obligations

- 3.1. Project Dependency
 - 3.1.1. The project is standalone with no linkage to any other procurement initiatives. There are no dependencies to other connected projects or programmes.
- 3.2. Statutory/Legal Obligations
 - 3.2.1. The Council has a statutory duty to endeavour to promote contact between children who are in care and their families under Schedule 2, Child Act 1989 unless it is not practical, or is not consistent with the child's welfare. Additionally, the Human Rights Act 1998, schedule 1, part 1, article 8 defines the right to family life. Should there be a failure to promote contact at the correct level both in terms of frequency and level of support provided without good reason, the Council could be deemed to be breach of its obligations under the Act.

4. Business Case

4.1. Procurement Project Outputs / Outcomes

4.1.1. The role of the Family Time service is to undertake the supervision and observation of contact between children who are the subject of care proceedings and family members. Care Proceedings are when a Local Authority issues an application to a court for a “Care Order” or “Supervision Order”. These orders are requested when in the opinion of the local authority, action is required to safeguard the wellbeing of a child (children) and they are taken into the care of the local authority.

4.1.2. Where there is a plan for permanent separation through fostering or adoption, the purpose of contact changes to become one which enables the child to build a coherent story of their birth family and the reasons why they could not be cared for by them. It can enable the child to build their understanding over time, to incorporate additional information at different stages in their development. Information about their birth family through a letter or via a social worker can enable the child to incorporate changing circumstances in the life of their birth family. The purpose of contact rehabilitation is assessing parental capacity, maintaining the relationship, permanency building relationships, supervision and support building a coherent life story.

4.1.3. The following are some of the underpinning values and responsibilities of the service:

- a) Family time should be a happy and positive experience for children, young people, and adults. The provider should ensure that any contact facility is safe and welcoming for all family members, and that families are able to build trusted relationships with consistent and supportive staff.
- b) Family Time staff should be skilled in providing appropriate support, advice, and guidance in respect of parenting to adults who receive family time.
- c) The supervised contact of families and children needs to be well planned and executed in an appropriate manner, taking in to account the needs of the child(ren) which should always be paramount in any decision-making process.
- d) Family Time is based on a comprehensive and good quality assessment of individual needs of the child, primarily focused on ensuring their healthy development and including:
 - the child’s circumstances,
 - the child’s needs, wishes and feelings (care should be taken to ascertain the best interests of pre-verbal and non-verbal children),

- the circumstances of the child's family,
 - the risk assessment of the child and family and details of contact arrangements including start date, frequency, and duration of contact.
- e) The service will be a flexible model of service delivery across Medway, making use of locally available facilities such as Children and Family Hubs and Youth Clubs. The primary venue for family contact will be Sunlight Centre, Gillingham. This use of internal council venues has meant the costs of the service have been minimised. A recent refurb of the Sunlight Centre rooms has meant that we have high quality nice provision for families and young people for contact.
- f) The service will provide written contact reports of all contact sessions. They must be transcribed and sent to Medway Council by a secure method, and to the allocated social worker.
- g) The provider will develop and implement a cancellations policy with Medway Council to reduce the rate of cancellations: and ensure that parents and carers are aware of these terms.

The provider will work pro-actively with children's social workers and the designated Medway Council Manager in cases where there are frequent cancellations, to request and/or initiate reviews of arrangements where necessary. The successful provider will comply with the expectations of customer feedback information and service user satisfaction surveys.

- h) The provider will be considered an integral part of Medway's partnership working arrangements; and will be expected to maintain links with the appropriate teams to ensure safe, happy, and positive contact.

4.1.4. As part of the successful delivery of this procurement requirement, the following procurement project outputs / outcomes have been identified as key and will be monitored as part of the procurement project delivery process. (This is not an exhaustive list as further outputs/outcomes will be agreed as part of the contract negotiation process at award).

| Outputs / Outcomes | How will success be measured? | Who will measure success of outputs/ outcomes | When will success be measured? |
|--|--|---|---------------------------------------|
| Scheduled Contact time times between child/young person and parent/caregiver | Number of and type of risk ranked meetings that take place over the duration of contact period | Senior Commissioning Officer/Programme Lead and Group Manager for Fostering | Quarterly |

| | | | |
|---|---|----------|-----------|
| to enable stability, belonging, cultural and other identity | Number of family reunifications and achievement of permanency supported through contact time | | |
| Number of scheduled family time sessions held | DNAs/cancellations vs full attendance and duration of each session | As above | As above |
| Use of the views of children and young people to shape the development of the service | Number of service development reviews and feedback collected from children and young people through quarterly reviews | As above | As above |
| Improvement in relationships and family dynamics | SDQs Feedback questionnaire | As above | 6 monthly |

- 4.1.5. The successful provider will be responsible for undertaking internal performance management of the service and will evidence good practice and compliance with the service specification by means of a quality assurance programme.
- 4.1.6. The successful provider must demonstrate that the service provided is delivered using outcome bases accountability models, best value frameworks and good practice standards including:
- Quality Assurance Accreditation
 - Customer Satisfaction Surveys
 - Service User Feedback and Participation
 - National Accreditations
 - Supervision and Management Information
 - Service Delivery Groups
- 4.1.7. Family time is a beneficial part of the reunification process but it should be considered that there are a number of factors that will also have an impact on successful reunification.
- 4.1.8. There is evidence that children who have regular and positive contact are more likely to be reunited with their birth parents. However, while such children are likely to remain in care for shorter periods, this is not a result of the contact per se. Rather it relates to a range of positive

factors such as stronger parent-child attachment and good social work support with parents (Biehal, 2006). Cleaver's (2000) research found that successful returns may be promoted by 'purposeful, planned, well-paced, well-resourced and reviewed contact, supported by parental motivation, a positive child response to increased contact and a good attachment between parent and child' (Sinclair 2005). Often, too little work is done with birth families prior to children returning home; contact offers the opportunity for purposeful work to be done in preparation for return home (Boddy, 2013; DfE, 2012).

4.2. Procurement Project Management

4.2.1. The management of this procurement process will be the responsibility of the Category Management team in conjunction with the Commissioner.

4.3. Post Procurement Contract Management

4.3.1. This will be the responsibility of the Programme Lead for Quality Assurance and Commissioner for Children in Care.

4.3.2. A standard monitoring form will be required on a quarterly basis with detail of caseloads profile and volumes. Contract monitoring meetings will be held between the parties on a quarterly basis.

4.3.3. The Council's authorised representatives, giving one months' notice to the provider, can request/change additional information to be provided for the purpose of monitoring the contract. The provider will provide any additional information which the Council's Authorised representatives consider reasonable, within two weeks of making the request.

4.3.4. KPIs and outcomes will be monitored by the provider and commissioners with reporting on a quarterly basis. The following KPIs are anticipated for the procurement process:

| | KPI description |
|---|--|
| 1 | Number of Referrals and referral source received per month |
| 2 | Number of Service Users (children and parents) seen per month |
| 3 | Total number of contact hours per week, month and per quarter provided to service users (collected per service user) and number of contact sessions per week, month and quarter provider to service users and collected per service user |
| 4 | Number and percentage of exclusions, along with the reasons for these exclusions |
| 5 | Number and percentage of 'no shows', cancellations, and contact terminated before of during a session. Along with the reason for each. |
| 6 | Percentage of children, parent/carers report that contact is a positive experience |

| | |
|----|--|
| 7 | Percentage of all users of the service that report that the venue is clean, well maintained and well resourced for children and young people of all ages |
| 8 | Percentage of Supervised Contact (Family Time) delivered as per Court request |
| 9 | Percentage of Supervised contact delivered as per Court request (within 24hour of referral) |
| 10 | Percentage of Supervised Contact reports sent to the Social Worker within 5 working days of contact taking place |
| 11 | Percentage of Service Users that rate the quality of advice and assistance provided by the Provider on a sliding scale – Outstanding/Good/Requires Improvement |
| 12 | Percentage of emergency situations immediately reported to the Council and other relevant professionals i.e. act of violence or safeguarding concern |
| 13 | Percentage of Service Users that have been consulted or given the opportunity to do so with evidenced outcomes. |
| 14 | Details and numbers of complaints and compliments from Service Users being complained about or complimented on and how complaints issue/s were resolve. If not resolved details to be provided |
| 15 | Percentage of contact supervisions starting on time |
| 16 | Number of training days provided to staff and details of the types of training provided |
| 17 | Number/levels of staff and volunteer turnover |
| 18 | Number of transport journeys, transport hours, average journey time per service user, average mileage (all collected per service user) |
| | A standard monitoring form will be required on a quarterly basis with details of caseload profile and volumes |

5. Procurement Approach

5.1. Procurement Options

5.1.1. The following is a detailed list of options considered and analysed for this report:

5.1.2. **Option 1 – Do nothing:**

The consequences of doing nothing is that the Council will not meet their statutory responsibility of providing a safe quality contact service, requirements of the Ofsted Improvement Plan, or be contractually compliant as the current contractual arrangements expired on 31st August 2022, having been extended for a further seventeen months (1 year plus 5 months) due to Covid restrictions and implications, and procurement and mobilisation timelines.

Risks:

Safeguarding, poor quality and non-compliance of statutory duty or contractually compliant.

5.1.3. Option 2 – Extend the current contract:

The current contractual arrangements expire on 31st August 2022 having been extended as described in Option 1. The current Provider has stated to the Council that the current hourly rate paid is not viable long-term post end of current contract term.

5.1.4. Option 3 – Utilise a framework:

The model requires a dedicated building and some additional community spaces such as parks or play centres to operate as a service. A designated unit within the Sunlight Centre, Gillingham is specially adapted and has been refurbished for this purpose and given the specialist and discreet nature of the service it would not be practical or relevant to operate through a framework. The risks to the council are the financial and poor cost effectiveness. In addition, given the annual budget, a framework is not an attractive option for providers.

5.1.5. Option 4 – Open market procurement (Preferred Option):

Procure through open tender a Supervised Family Time in Medway for approximately 8,000 hours of direct contact hours (including additional tasks associated with a contact session) as described in the service specification with a provider using the Sunlight Centre, based in Gillingham.

Benefits:

The responsibility and management of the service including on-costs of the service would be solely with the Provider. The office space would continue to be managed through the Council to enable safe and flexible usage by social workers who will be able to carry out assessments, observations, multi-agency meetings and direct contact with children as part of their day-to-day roles. The use of a tried and tested model and evidence of what works and ability to link and control annual price increases to Medway budget planning processes.

Risks:

Delivery of the service and mobilisation of staff who may not be readily available should the new provider be selected, and current staff are not subject to TUPE arrangements.

5.2. Procurement Process Proposed

5.2.1. Option 4 is the preferred option to allow the Council to test the market to allow time for the renewal of the existing contract which expires 31 August 2022.

5.2.2. The proposed timetable for the procurement is as follows. Dates are for indicative purposes only and subject to change

| Outline timetable | |
|---|-------------------------------------|
| GW1 Procurement Board | 15 June 2022 (original date 18 May) |
| GW1 Cabinet Approval & Procurement commencement | 26 July 2022 |
| Invite Tenders | 26 July 2022 – 30 August 2022 |

| | |
|--|-------------------------------|
| Evaluation & Draft GW3 Report | August – September 2022 |
| GW3 Report Contract Award to Procurement Board | September 2022 |
| GW3 Contract Award - Cabinet | October 2022 |
| Contract Award subject to 10 Day Standstill period | October 2022 |
| Mobilisation date – if current provider | 1 st November 2022 |
| Mobilisation date if new provider | 3 rd Jan 2023 |

5.2.3. It is recommended that the contract duration be 4 years with the option to extend for 1 year by mutual agreement.

5.3. Evaluation Criteria

5.3.1. The proposed quality and price ratio will be 60 / 40% respectively.

5.3.2. Qualitative questions will be drafted once approval to go out to tender is confirmed. Whilst not finalised at this stage, officers propose to evaluate tenders against the following qualitative criteria within the tender:

| Qualitative criteria | Weighting |
|-----------------------------------|------------------|
| Service Delivery | 15% |
| Workforce | 15% |
| Safeguarding | 10% |
| Quality Assurance | 10% |
| Data Protection & Confidentiality | 5% |
| Social Value | 5% |
| | 60% |

5.3.3. The Council's expectation is that the tender will be below an affordability threshold of £243,756 per annum for the Price Component.

6. Consultation

6.1. Internal (Medway) Stakeholder Consultation

6.1.1. Current and ongoing consultation with families and caregivers about the Family Time service throughout the life of the contract has informed the model and recommended Option 4.

6.1.2. Stakeholder engagement with Children's Services, Health, other Council Departments, and other statutory services has also taken place to capture views on how the service is working.

6.1.3. The views and wishes of children have also been captured (via Social Workers) to inform assessments, planning and decision making. The revised service specification reflects lessons learnt from the current service arrangements, the requirements of the courts and feedback from consultation forums. This feedback would be deemed as classified

as it may impact the current providers ability to retender or influence other providers.

6.2. External Stakeholder Consultation

6.2.1. There has been extensive consultation with a number of different stakeholders including:

- Social work teams and manager
- Families
- Children and young people
- Other local authorities
- The market (via market engagement events and workshops)

6.2.2. All of these views have been considered and where appropriate included in the planning and development of the service specification.

6.2.3. In addition, we will continue to engage and consult via a service user forum at the Sunlight Centre will be set up by Commissioning Officer and Group Manager for Fostering & Adoption to capture the lessons learnt from similar provisions and elicit the views and wishes of children to inform the development of the service. The new service provider will be expected to provide details on ongoing consultation with children, young people, parents/caregivers on an ongoing basis.

7. Risk Management

| Risk | Description | Action to avoid or mitigate risk | Risk rating |
|------------------------------|--|--|--------------------|
| Not recommissioning contract | Not recommissioning the contract leads to safeguarding risk, poor quality and non-compliance of statutory duty. | Recommissioning of contract via preferred option | N/A |
| Utilise a framework | The model requires a dedicated building and some additional community spaces such as parks or play centres to operate as a service. The risks to the Council are financial and poor cost effectiveness. In addition, given the annual budget, a framework is not an attractive option for providers. | Recommissioning of contract via preferred option | N/A |

| Risk | Description | Action to avoid or mitigate risk | Risk rating |
|--|---|--|--------------------|
| Open Market Procurement (Preferred Option) | Procure through open tender a Supervised Family Time in Medway for approximately 8,000 hours of direct contact hours. Risk that delivery of the service and mobilisation of staff who may not be readily available should the new provider be selected, and current staff are not subject to TUPE arrangements. | Ensure that relevant arrangements are made ahead of contract mobilisation. | D2 |

8. Financial Implications

- 8.1. The procurement requirement and its associated delivery as per the recommendations will be funded from existing revenue budgets.
- 8.2. The budget envelope is approximately £195,000 per annum and will be run on a primarily tariff-based model (i.e. we only pay when services have been delivered).

9. Legal Implications

- 9.1. The functions (including powers and duties) of local authorities in relation to children who are looked after by them are set out in the 1989 Act as principally amended by the Children (Leaving Care) Act 2000, the Adoption and Children Act 2002 and the Children and Young Persons Act 2008, and the associated Regulations and guidance in relation to those functions.
- 9.2. Section 22(3) of the 1989 Act sets out the general duty of the local authority looking after a child to safeguard and promote the welfare of the child. This duty underpins all activity by the local authority in relation to children in care.

10. Other Implications

10.1. TUPE Implications

- 10.1.1. There are no TUPE requirements from the existing provider as current staff are on zero contracted hours where TUPE does not apply.

10.2. Procurement Implications

10.2.1. The value of the requirement exceeds the public procurement threshold (£663,540) for such services and therefore an open tendering procedure will be conducted.

10.3. ICT Implications

10.3.1. The existing building will be managed by the Council and Council staff will continue to use the building and the WIFI within these buildings (Open access and Govroam) services. However, the Provider will need to have access to IT and it is their sole responsibility for the purchase, maintenance and management of their systems.

11. Social, Economic & Environmental Considerations

11.1. The tender process through Method Statements, provision of policies and procedures will address the requirements and adhere to those of the Council.

11.2. By having multiple sites for delivery, it means reduced travel time for professionals and families therefore contributing to the reduction of the Council's carbon emissions footprint. All sites are accessible by public transport therefore further reducing car use.

11.3. Economically using Council's own buildings means the model is financially and economically sound as this would be cheaper than using external facilities. And any contribution to the improvement wellbeing of children and adults as a result of reconnecting and potential reunification will be financially beneficially not just to the local authority but all public Sector agencies in Medway.

12. Recommendation

12.1. The Cabinet is asked to approve the recommissioning of this contract via the preferred Option 4, Open Market Procurement, as set out in paragraph 5.1.5 of the report.

13. Suggested Reasons for Decision

13.1. This model is the most financially viable both meeting our statutory obligations and commitments, but also putting children and families at the heart of Medway. It supports the child friendly Medway agenda and contributes a host of wider potential benefits such improved wellbeing, safe contact and potential reunification Building partnerships between the statutory and independent sector through a contract with risk sharing and specialisms will enable the Council to meet its statutory requirements. There is already a tried and tested model in place and

this option allows the Council to test out the market and achieve effective use of its resources and finances.

Lead Officer Contact

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Appendices

Exempt Appendix 1 – Financial Analysis

Background Papers

None.