

Report of Luke Myers, Commissioning Programme

Report to Deputy Director, Children & Families

Date: 05.05.2017

Subject: Request to waive Contracts' Procedure Rules 9.1 and 9.2 in order to enter into a contract with Barca-Leeds for the Family Drug and Alcohol Court for a period of 3 years at an annual value of £80k per annum.



Are specific electoral wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

Summary of main issues

1. The purpose of this report is to seek permission from the Deputy Director Safeguarding, Targeted and Specialist Services to waive Contracts' Procedure Rules 9.1 and 9.2 to enter into a contract with Barca-Leeds for the Family Drug and Alcohol Court service. This contract will be for a period of 3 years at an annual value of £80k and will support the delivery of the Family Drug and Alcohol Court in Leeds.
2. The Family Drug and Alcohol Court provides an alternative problem-solving approach to care proceedings in cases where parental substance misuse is a key trigger for the local authority bringing proceedings. It aims to support parents to overcome their entrenched problems while the case is being determined proceedings.
3. Building on a very successful regional pilot in 2013/14, the five West Yorkshire local authorities with the support of the FDAC National Unit received an Innovations Fund grant to pilot the implementation of FDAC across the region however this funding expired at the end of 2016/17.
4. Barca-Leeds who are also committed to the continuation of the FDAC model in Leeds have sourced some funding from Porticus, an organisation that supports

charitable projects that promote social justice through a grant giving programme. The Children and Families Directorate has also committed £80k per annum of funding over the next 3 years to support the model.

5. This funding will enable continuity of provision whilst further work is undertaken to expand this approach to a wider problem solving court model.

Recommendations

6. It is recommended that the Deputy Director, Children & Families approves the waiver of Contracts' Procedure Rules 9.1 & 9.2 in order to enter into a 3 year contract with Barca- Leeds for the value of £80k per annum.

1 Purpose of this report

- 1.1 The purpose of the report is to seek approval from Deputy Director, Children & Families to waive Contracts' Procedure Rules 9.1 & 9.2 in order to enter into a contract with Barca – Leeds for the provision of the Family Drug and Alcohol Court (FDAC) service.

2 Background information

- 2.1 FDAC started in 2008 in London. It is an alternative, problem-solving approach to care proceedings in cases where parental substance misuse is a key trigger for the local authority bringing proceedings. It aims to support parents to overcome their entrenched problems while the case is being determined in proceedings.
- 2.2 FDAC's main features are judicial continuity, fortnightly judge-led review hearings without lawyers present, and a specialist multidisciplinary team that advises the court and provides intensive support to parents as well as close monitoring of their progress.
- 2.3 Building on a very successful regional pilot in 2013/14, the five West Yorkshire local authorities with the support of the FDAC National Unit received an Innovations Fund grant of £550k to pilot the implementation of FDAC across the region. For Leeds Bradford and Calderdale the pilot started in November 2015, for Wakefield in February 2016 and for Kirkless, March 2016.
- 2.4 The Innovations Fund grant received expired at the end of 2016/17 and therefore further funding is required if the FDAC service is to continue.

3 Main issues

- 3.1 The funding from the DfE Innovations Fund which supported the delivery of FDAC service in Leeds expired at the end of 2016/17. Further financial commitment is required in order to continue the FDAC service in Leeds.
- 3.2 Barca-Leeds have been delivering the FDAC service in Leeds and they have been successful in sourcing funding from Porticus which is an organisation that provide charitable grants funds to projects that support social justice across the UK.
- 3.3 This partial funding from Porticus means that £80k per annum of the total service cost is required in order to continue the delivery of the FDAC service in Leeds.
- 3.4 This funding will allow continuity of provision whilst further work is undertaken to expand this approach to a wider problem solving court model.
- 3.5 FDAC Model
 - 3.5.1 The service in West Yorkshire aims to target parents who have experienced repeat removals and those first time parents where it is the plan to remove the baby at birth. In this way FDAC can be seen as a preventive approach to break cycles. However the teams have worked with families outside these criteria. West

Yorkshire has also been keen to recognise and address that domestic violence often occurs in cases where there is substance misuse

3.5.2 The FDAC service has the following objectives:

- To increase the proportion of children that can be successfully reunited with their parents compared to traditional service delivery.
- To ensure that parents are able to access and maintain treatment for their substance misuse
- To support parents in achieving complete abstinence from street drugs and/or alcohol.
- To enable parents to be successful in addressing related wider health and wellbeing outcomes: improved mental health, reduced exposure to domestic violence, safer and secure housing, improved family planning, reduced parental criminal activity and violence, engagement in work, training or community activity,
- To provide support to parents so they are less likely to follow a pattern of having successive children removed in recurring care proceeding, making safer choices
- To help children achieve positive outcomes - health and development of child, attendance and attainment at school.

3.6 Strategic Priorities

- 3.6.1 FDAC is closely aligned to a large number of important national and regional strategy, policy and priorities in criminal justice, children's services, health and economic development.
- 3.6.2 Nationally the Home Office and Department of Justice has supported the development of FDAC, for example in funding for the National FDAC Unit and the independent evaluation of the programme. In addition, the Department of Justice remains intent on broader development of problem solving approaches to the courts as part of its commitment to judicial reform.
- 3.6.3 FDAC is a priority initiative across children's services in England, with strong backing from government and the judiciary. FDAC supports the national drive to find new approaches to work with children and families that help solve problems better, keep families together safely and reduces costs for the public purse.
- 3.6.4 The FDAC approach has won significant funding from the Department for Education's (DfE) national Innovation Fund, praise from the Chief Social Worker and ministers and a very strong endorsement from the Sir James Munby, President of the Family Court.
- 3.6.5 FDAC also has links to the emerging NHS priorities and plans as set out in the West Yorkshire and Harrogate 'Sustainability and Transformation Plan'. FDAC links to the plan's priorities for investing in preventative services, particularly around high risk population such as those with substance misuse problems.

- 3.6.6 FDAC has links to economic strategies in the Leeds City Region. The Strategic Economic Plan for the Leeds City Region has a key ambition to '[C]onnect vulnerable groups and residents living in deprived communities to economic opportunity', and within this, those with drug and alcohol problems are a targeted group, with the Local Enterprise Partnership noting the impact of drinking and drugs on families, and the relatively high rate and numbers of Opiate and Cocaine Users (OCUs) in Leeds, Bradford and Wakefield.

3.7 FDAC Outcomes

- 3.7.1 To date the FDAC service in Leeds has worked with 16 families and of these there have been four positive recommendations in terms of children and young people remaining appropriately and safely with their parents and avoiding being taken into care at the end of proceedings.
- 3.7.2 FDAC service has the potential to lead to improved outcomes in a number of areas which includes children and young people being returned to parents where safe and appropriate, increased engagement with substance misuse support by parents, even where the outcome is not a positive recommendation regarding children remaining with parents, and quicker and less disputed legal proceedings due to more restorative support during proceedings.

3.8 Consultation and engagement

- 3.8.1 Consultation with the Police and Crime Commissioner, health colleagues within the Clinical Commissioning Group and the provider has taken place whilst considering the longer term future and funding of the FDAC service.
- 3.8.2 This contract will allow the FDAC service to continue whilst further discussions take place with key stakeholders regarding the progression towards a wider problem solving court.

3.9 Equality and diversity / cohesion and integration

- 3.9.1 An Equality Impact Assessment Screening document has been undertaken and there is no impact in respect of equality and diversity as the new contract will continue on the basis of the existing provision.
- 3.9.2 Equality, diversity, cohesion and integration will continue to be considered throughout the progression towards a wider problem solving court.

3.10 Council policies and best council plan

- 3.10.1 The outcomes this service will be commissioned against are those within the Leeds Children and Young People's Plan 2015 – 2019. This contract will contribute to a number of the outcomes and priorities within the plan including the outcome to ensure all young people are safe from harm and the priority to help children live in safe and supportive families and safely. It also makes a significant contribution to the key obsession to safely and appropriately reduce the number of Children Looked After.

3.11 Resources and value for money

- 3.11.1 This report requests £80k per year for 3 years to enable the continuation of the FDAC service. This combined with the £50k Barca-Leeds have sourced from Porticus, along with the input of social work time from Leeds City Council, will enable the continuation of the FDAC service in Leeds whilst further work is done to explore the establishment of a wider problem solving court expanding the good practice from FDAC into other areas.
- 3.11.2 An evaluation of Leeds FDAC completed by the Centre for Social Justice Innovation estimated that the FDAC service could work with 24 families in 2017 which could realise net savings of £176k once the costs of running the FDAC service are taken into account.
- 3.11.3 A significant percentage of the total savings generated through the FDAC model, estimated at almost 80%, are generated through a reduction in placements costs due to more children being returned to parents. Savings are however generated in other areas as well including reduced testing costs, savings to court costs, reductions in substance misuse treatments costs and savings to the criminal justice system generated through reductions in substance misuse related crime.

3.12 Legal Implications, access to information and call in

- 3.12.1 This report seeks approval to waive Contracts' Procedure Rule and 9.1 & 9.2 to enter into contracts with Barca-Leeds for the FDAC support service
- 3.12.2 The decision requested is a significant operational decision and therefore not subject to call in. This report does not contain any exempt or confidential information under the Access to Information Rules.
- 3.12.3 Giving the work to this provider without competition could leave the Council open to a potential claim from other providers, to whom this contract could be of interest, that it has not been wholly transparent. In terms of transparency it should be noted that Contracts Procedure Rules suggests that contracts of this value should be subject to a degree of advertising. It is up to the Council to decide what degree of advertising is appropriate. In giving the work to this provider without competition there is a potential risk of challenge from other providers who have not been given the chance to tender for this opportunity.
- 3.12.4 These risks may be mitigated to a degree by the fact that this report requests arrangements be put in place to ensure continuity of the FDAC service whilst longer term arrangements for a wider problem solving court are discussed with key partners. Consideration should be given to of exposing the service to competition following these discussions. Whilst there is no legal obstacle preventing the waiver of CPRs 9.1 and 9.2, the above comments should be noted when making the final decision. The Deputy Director Safeguarding, Targeted and Specialist should be satisfied that the course of action chosen represents Best Value for the Council.

3.13 Risk management

- 3.13.1 In the event that the actions required in order to continue the FDAC provision are not approved, continuity of service for families currently within the FDAC process could not be maintained. This could therefore have an impact on the council's priorities as outlined

in the Child and Young People's Plan 2015-2019 including the key obsession to safely and appropriately reduce the number of children looked after.

- 3.13.2 It would also negatively impact upon the successful development of a move toward problem solving courts and would risk the loss of the existing skills, expertise and infrastructure that has been developed across a number of partners in delivering the FDAC service.

4 Conclusions

- 4.1 The Deputy Director Safeguarding, Targeted and Specialist Services is requested to note the contents of this report and to approve the waiver of Contracts' Procedure Rules 9.1& 9.2 in order to enter into a contract with Barca-Leeds valued at £80,000 per annum for a period of 3 years the delivery of the FDAC service. This together with the funding secured by Barca-Leeds from Porticus and the social work input supplied by LCC will enable continuity of service whilst further discussions take place to enable a move to a wider problem solving court.

5 Recommendations

- 5.1 It is recommended that the Deputy Director, Children & Families approves the waiver of Contracts' Procedure Rule 9.1 & 9.2 in order to enter into a contract with Barca-Leeds for the FDAC service at an annual value of £80k for a period of 3 years.

6 Background documents¹

- 6.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.