

Variation to contract ref: DN469526 - FDAC (Family Drug and Alcohol Court)

Date: 07/03/24

Report of: Head of Service for Children's Social Work

Report to: Director of Children & Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Family Drug and Alcohol Court (FDAC) service currently delivered by Barca-Leeds, aims to improve outcomes for children and families by providing an alternative way of working with parents involved in care proceedings who are experiencing substance misuse. FDAC encourages parents to believe recovery and change are possible, alongside a realistic understanding of the challenges they face. The current contract is set to expire on 31st March 2024. The proposal is to apply a modification of contract to 1st April 2024 until 5th April 2025. It was not possible to recommission this service in the usual way due to uncertainty around funding from the DfE. The extension is permitted under CPR 21.2, and the variation is permitted under PCR 2015 reg 72 (1) (b) (ii)

Recommendations

The Director is recommended to approve the extension and variation to DN469526 - The Family Drug and Alcohol Court (FDAC) service currently delivered by Barca-Leeds. The extension is permitted under CPR 21.2, and the variation is permitted under PCR 2015 reg 72 (1) (b) (ii).

What is this report about?

- 1 This report seeks approval to vary and extend the current contract of Barca-Leeds, to continue delivery of the Family Drug and Alcohol Court (FDAC) service. 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. 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. 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. 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 solves problems better, keep families together safely and reduces costs for the public purse.

What impact will this proposal have?

- 2 The impact of this proposal will ensure that our most vulnerable children and families will continue to receive the vital support they require and will also help to reduce the number of Children Looked After within the city.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 3 The FDAC service best contributes towards outcomes related to a Child-friendly City, predominantly 'Supporting families to give children the best start in life', and it also makes positive contributions towards better outcomes in the health and wellbeing of families and communities.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

- 4 Consultation with the Police and Crime Commissioner, health colleagues within the Clinical Commissioning Group (now Leeds ICB) and the current provider, Barca-Leeds took place prior to contract commencement. The relevant Chief Officer and the Lead Member for Children & Families were briefed. The current provider Barca-Leeds has been informed of our intention and has indicated they would be willing to enter into an extended contract for fourteen months at the value detailed in this report.

What are the resource implications?

- 5 The expected resource implications are as follows; cost for the service are estimated as £204,864 for twelve months. That figure is made up of the following;
- £70,000 Leeds ICB (if this funding is reduced in the future, the contract value will also have to be reduced accordingly, meaning Barca would receive less)
 - £88,864 from OHID (Supplemental substance misuse treatment and recovery grant)
 - £35,000 Strengthening Families Protecting Children budget.
 - £11,000 Children & Families base budget.
 - £4,063 Underspend held by Barca and not an LCC cost (some vacancies in the team have not been filled).

It should be noted the current level of funding has been significantly reduced from when the contract was first let in 2020/2021 at £960,010 per annum. The FDAC team has been restructured a number of times and the size of the team has been cut in order to ensure the service could continue to work with the cohort it serves, within a reduced financial envelope. Analysis undertaken by the Centre for Justice and Innovation shows that the financial cost of delivering FDAC provides excellent value for money through the positive outcomes for children and families and substantial financial savings to multiple partners (for every £1 pound spent, £2.30 is saved). The average cost per case of our Leeds FDAC service in 2021/22 was £17,003. Using national data provided by the Centre for Justice and Innovation, the savings generated per FDAC case is £26,641 (including through in-year lower legal costs and placement costs in proceedings; local authority care costs post proceedings; and recurrent proceedings within 5 years).

What are the key risks and how are they being managed?

- 6 If this decision is not approved and the contract is not varied and extended with Barca-Leeds for delivery of this FDAC service, LCC would not be able to deliver the outcomes required by the DfE, which would put any grant funding at risk. Service users could potentially lose their support, resulting in increased costs in the future and the potential for some children to become Looked After. While this service is non statutory in nature, due to the strategic importance of the service both for DfE and the council, every attempt must be made to ensure the service continues.

What are the legal implications?

- 7 This contract was originally advertised in OJEU as the spend value was above the Procurement thresholds. The extension and variation of the contract is covered under the Procurement Contract Rules 2015 Reg 72(i) (b) (ii) *“for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor—*
(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.

A contract modification notice is required to be published as the additional spend on this contract is above 10% of the initial contract value, but under 50% of the initial contract value.

- 8 The extension is permitted under CPR 21.2, and the variation is permitted under PCR 2015 reg 72 (1) (b) (ii)

- 9 This course of action represents the most efficient use of the council's resources to deliver this function. There would be insufficient time to recommission and mobilise a new service within the timescales. It is likely the cost of commissioning an alternative provider to deliver this function would exceed the financial envelope currently available.

In making a final decision, the Director of Children and Families should be satisfied that the course of action chosen represents best value for the Council and that it is in the Council's interest and the public interest that the current contract is extended / varied.

Options, timescales and measuring success

What other options were considered?

- 10 Further reductions to the service and even the closure of the service have been considered. However, it is recognised by Senior officers that FDAC secures excellent outcomes and the work undertaken continues to be beneficial and helps the council to achieve a number of its strategic aims, including but not limited to Health and wellbeing. The service has been extensively reviewed both internally and externally to ensure strategic alignment, value for money and the delivery of quality outcomes. A further options and risk analysis was undertaken prior to beginning the contract extension and variation work to ensure the service remains deliverable for the budget allocated.

How will success be measured?

- 11 The contract team will meet as appropriate and will be responsible for oversight of delivery of the service specification, resolution of any problems of inter-agency co-operation and monitoring. The contract team will comprise, as a minimum, representation from Leeds Children and Families Services Commissioning and Market Management team, Leeds City Council's service directorate link and the commissioned service provider. The commissioned service provider will be expected to consider service efficiencies on an annual basis. The service provider will supply reports and quarterly data monitoring returns as agreed by the contracts team, who will monitor and review the service targets, performance indicators, outcomes and the progress of the service.

What is the timetable and who will be responsible for implementation?

- 12 It is envisaged the contract extension / variation will be implemented upon receipt of the appropriate approvals. The implementation of the extension / variation will be overseen by the Commissioning and Contract Management Team in Children & Families.

Appendices

-

Background papers

-