

Report of Commissioning and Contracting Team, Children & Families

Report to the Director of Children and Families

Date: June 2019

Subject: Children's Rights and Advocacy Service – Permission to procure



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

Summary

1. Main issues

- The current contract for Children's Rights and Advocacy is due to expire in March 2020. There are no further extensions available on the current contract terms. The service has been reviewed to ensure that the contract remains effective for the cohort it serves. A project team was formed and a review has been underway since September 2018. The project team are in agreement that provision is fit for purpose and achieving its aims. However, in line with contract procedure rules, a new procurement is required.
- As part of the review process, the project team have undertaken the following;
 - Data analysis of service delivery over the contract period
 - Key stakeholder engagement and discussion
 - Comparative analysis of other Local Authorities for benchmarking
 - Options appraisal / business case
 - Member briefing

The review identified a good quality service that is valued by colleagues within LCC and more widely by service users, is in place. The project team has therefore made minimal changes to the specification. The review identified the following;

- The remit of the service has expanded without the financial envelope being increased
- The incumbent provider has been unable to proactively promote the service due to resource issues
- The project team considered whether breaking up of the functions would offer any advantage to delivery and it was considered that it would not.
- The project team also considered whether there would be any merit in seeking to join with other LA's in the region to procure this contract. It was quickly established this would not offer any suitable advantages but may cause significant issues for Leeds and is therefore not appropriate at this time.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- The procurement of this contract will assist the council in achieving its aims of becoming a child friendly city, improving the health and wellbeing of some of our most vulnerable children as well as ensuring they are safe and feel safe.
- The procurement of this contract will ensure that Leeds City Council is fulfilling its statutory obligations under the Children Act 1989, the UN Convention on the Rights of the Child (UNCRC), National Advocacy Standards and other relevant legislation.

3. Resource Implications

- The financial envelope for this contract was previously set at £183,909 per annum. Based on the findings of the recent review of the service, Children and Families Senior Leadership Team (CFSLT) recently agreed to increase this by approximately 22% to £223,909 per annum recognising the significant increased demand for services.

Recommendations

- a) The Director of Children and Families Services is recommended to provide permission to procure a new Children's Rights and Advocacy Service via competitive tender. The contract will commence on 1st April 2020 and will expire on 31st March 2023 with two 12 months options to extend. The maximum contract value will be £223,909.
- b) The Director of Children and Family Services is also recommended to waive contract procedure rule 15.2 and approve the tender split of 70 % quality and 30% price.

1. Purpose of this report

- 1.1 The purpose of this report is to request approval from the Director of Children & Families Services to conduct a competitive procurement exercise to procure a new Children's Rights and Advocacy Service.

2. Background information

- 2.1 Children's Services currently commissions Barnardo's to deliver a Children's Rights service for children and young people. The purpose of the Children's Rights service is to ensure that all looked after children, young people and care leavers including unaccompanied asylum seeking children, disabled children, foster children, those in secure accommodation and those placed out of the authority by Leeds City Council's Children's Social work service are informed of their rights. These rights are embodied in the Children Act 1989, the UN Convention on the Rights of the Child (UNCRC), National Advocacy Standards and other relevant legislation.
- 2.2 The numbers accessing the service for advocacy have increased by approximately 45% in the last 3 years (source: monitoring data). Of the total number of advocacy requests received in 2017/18, 73% of advocacy cases were for the Child Protection conference process.

3. Main issues

- 3.1 The current contract for Children's Rights and Advocacy is due to expire in March 2020. There are no further extensions available on the current contract terms. The service has been reviewed to ensure that the contract remains effective for the cohort it serves. A project team was formed and the review has been underway since September 2018. The team are in agreement that contract is fit for purpose and achieving its aims. However, a new procurement is required.
- 3.2 Advocacy services in general can be hugely beneficial for children and the local authority. 'A Study of Advocacy Services for Children & Young People in Wales' (July 2005), summarises the views and experiences of children and young people who received advocacy support from a number of different services. Overall the feedback is very positive, regardless of the model of service. It indicates that advocacy services can lead to improved placement allocation, shorter placements and reduced complaints from children and young people.
- 3.3 The research also found that young people preferred 'a 'professional' advocate in more formal situations (important meetings and decisions) and carers / family for more every-day issues' (p15). Research by Oliver et al (2006) found that, 'involving friends and relatives as advocates for young people was neither advisable nor appropriate. It was doubted [by respondents] that friends and family members would be sufficiently impartial, knowledgeable, or assertive to support young people effectively (p3). Although some children and young people may prefer to be supported by a family member, a social worker or someone else known to them, they should be offered the choice of an independent advocate.
- 3.4 A significant element of this contract is associated with improving social, emotional and mental health and wellbeing. It will also help in the aim to assist young people in transitioning to adulthood and ensure that our CYP are safe, feel safe and have their voices heard. With this in mind the project team feel quality is significantly important with this contract. The report is therefore seeking permission to waive

contract procedure rule 15.2 and for the tender to be split on 70% quality and 30% on price

- 3.5 The tender evaluation will comprise of:
- a. Written tender questions.
 - b. Presentation to a panel of young people.
- 3.6 The evaluation panel will comprise of representatives from:
- Children's Social Work Service
 - Integrated Safeguarding Unit
 - Commissioning & Market Management – Children & Family Services.
 - Voice and Influence Team
 - A panel of up to young people will evaluate a presentation that will be specifically delivered to the young people's panel.
- 3.7 If the tender results in a change of provider, TUPE is likely to apply. Any TUPE will be contractor to contractor and interested parties will be required to seek their own advice in relation to TUPE.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The project team has consisted of key stakeholders that either refer into the service or have a good understanding of what is required from the service. Research suggests that involving CYP in design of advocacy services is not the most productive of engagement. Therefore, CYP will be requested to offer feedback at the tender evaluation stage of the process and will be asked to assess provider presentations.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An equality impact screening form has been completed and is attached as appendix 1.
- 4.2.2 There were no actions arising from the equality screening to be incorporated in to the commission of this new service.

4.3 Council policies and the Best Council Plan

- 4.3.1 This contract will support the best council plan priorities of keeping people safe from harm and reducing the number of children looked after.
- 4.3.2 This contract will support Children and Families Services commitment to:
- Ensure that the most vulnerable are protected.
 - Increase the number of children and young people participating and engaging in learning.
 - Improve social, emotional, and mental health and wellbeing.
 - Ensuring that our young children that are looked after are safe and their voices heard.

- Works toward the aim of achieving a Child Friendly city.

Climate Emergency

- 4.3.3 The service specification requires bidders to consider the environmental impact of their approach to service delivery. During mobilisation they will be asked to demonstrate how they will reduce their carbon footprint, including making best use of technology and sustainable transport in their day to day operations.

4.4 Resources, procurement and value for money

- 4.4.1 The maximum contract value will be £223,909 per annum for 3 years with two potential 12 month extensions.
- 4.4.2 This report is seeking permission for the tender to be evaluated on price and quality: 70% quality and 30% price.
- 4.4.3 The price element of the evaluation will be scored based on the overall contract value. The bidder with the lowest total cost will score the highest in the price evaluation. This approach will help ensure value for money.
- 4.4.4 Bidders will be asked to submit a service cost analysis form (SCAF) which will inform the breakdown of the bidder's price.

4.5 Legal implications, access to information, and call-in

- 4.5.1 The annual value of the contract is up to £223,909 but over the life of the contract is in excess of £500k and is therefore a key decision and as such was placed on the list of forthcoming key decisions and is subject to the relevant call in period.

4.6 Risk management

- 4.6.1 A risk register is in place and managed by the project team.

5. Conclusions

- 5.1.1 Having considered the full findings of the Children's Rights and Advocacy review and following a detailed appraisal of the options available to fulfil this need; the Children's Rights and Advocacy project team concludes that the best value option is to undertake a competitive tender to commission an external organisation, or consortium of providers, to provide a new Children's Rights and Advocacy service.

6. Recommendations

- 6.1 The Director of Children and Families Services is recommended to provide permission to procure a new Children's Rights and Advocacy service via competitive tender. The contract will be for three years; commencing on 1st April 2020, expiring on 30th April 2023. There will be two options to extend of 12 months. The maximum contract value will be £223,909 per annum.

- 6.2 The Director of Children and Family Services is also recommended to waive contract procedure rule 15.2 and approve the tender split of 70 % quality and 30% price.

7. Background documents¹

- 7.1 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.