

Children's Rights and Advocacy Contract – Approval to award a new contract from 01/04/2023 to 31/03/2024

Date: 18/10/2023

Report of: Commissioning Manager, Children and Families

Report to: Deputy Director, Social Care

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This Children's Rights and Advocacy contract commenced on 01/04/2020 for 3 years and although this contract had the option to extend for 2 x periods of 12 months, it expired on 31/03/2023.

The Provider continued and continues to provide the Children's Rights and Advocacy service as per expired specification.

The service provides advocacy and support in cases where children make complaints to the Children and Families directorate. It provides advice, advocacy and representation for children and young people making a formal complaint under Section 28 of the Children Act 1989 when requested by the young people.

This Children's Rights and Advocacy contract ensures that children and young people are aware of their rights and have access to independent advocacy, information, advice and support in relation to children and young people (up to age 25 where an EHC Plan is in place) with SEN and Disabilities.

The Service represents their views, wishes and feelings, resolving their concerns or complaints by providing independent and confidential information; advice; advocacy; representation; and support which is suitable for and adapts to their needs and is accessible for age, development, experience, linguistic understanding and any special needs relating to disability or ill-health.

The Service will work independently of all services provided to the children and young people of Leeds on behalf of the Local Authority, specifically residential services, the fostering and adoption services and the Complaints Service, to ensure that the practice is child focussed and not restrained by external pressures, such as funding.

Recommendations

- a) The Deputy Director, Social Care is requested to award a new contract to formalise the implied contract and ensure service continuity from 01/04/2023 to 31/03/2024, with the option to extend for 1 x 12 months period, for this service in line with Contracts Procedure Rules 9.5, relevant and current law.
- b) This first period will run from 01/04/2023 to 31/03/2024.
- c) The annual price of this contract, £223,909.00, was fixed for the term of the contract (3-years) and will also remain fixed at £223,909.00 for the new contract covering the period from 01/04/2023 to 31/03/2024.

What is this report about?

- 1 This service provides advocacy and support in cases where children make a formal complaint to the Children and Families directorate under Section 28 of the Children Act 1989 when requested by the young people.
- 2 Children and Families has held this contract, DN417012, with Barnardos since 01/04/2020 and expired on 31/03/2023. Although this contract had the option to extend for 2 x periods of 12 months, it expired without taking up the available extensions for the period from 01/04/2023 to 31/03/2024.
- 3 This report seeks decision to award a new contract to formalise the implied contract and ensure service continuity from 01/04/2023 to 31/03/2024, with the option to extend for 1 x 12 months period, which can be treated as a direct consequence of the initial decision as it was in the contemplation of the decision maker at the time of the initial decision to procure.

What impact will this proposal have?

- 4 Approval of this new contract award for 12-month period starting from the 01/04/2023 will formalise the implied contract, ensure service continuity and allow the service to provide advice, advocacy and representation for children and young people making a formal complaint under Section 28 of the Children Act 1989.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 5 This proposal supports all three of the council's Key Pillars.
- 6 Through working together, mutual respect and understanding, this contract invests making essential and statutory services accessible for children and young people to ensure that they receive the best possible outcomes and the best chance to realise their potential and thrive.

- 7 Barnardos is committed to becoming a charity that works smarter and sustainably by identifying opportunities to reduce its carbon emissions; a key strategic priority is to embed sustainability in Barnardos wider service delivery and business practice. Barnardos has launched a sustainability strategy and implementation plan and is committed to reducing its environmental impact.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 8 Children and Families service; PACS.

What are the resource implications?

- 9 The value of this contract extension period is £223,909.00.
- 10 This contract continues to provide good outcomes for children and young people and value for money. The annual price of the contract, £223,909.00, was fixed for the term of the contract (3-years) and will also remain fixed at £223,909.00 for the new contract covering the period from 01/04/2023 to 31/03/2024.
- 11 The Commissioning and Market Management Team will continue to contract manage the extension period in collaboration with the social work professionals within Children and Families.

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

- 12 This is a statutory service, whereby the Local Authority provides independent advocacy and support in cases where children make complaints to the Children and Families directorate. If this service is not available, there is a risk to the Local Authority that it would be failing in its duty to provide children and young people appropriate and independent advice, advocacy and representation for children and young people when making a formal complaint under the Children Act 1989.

What are the legal implications?

- 13 Under Section 28 of the Children Act 1989 the Local Authority provides independent advocacy and support in cases where children make complaints to the Children and Families directorate. This service provides advice, advocacy and representation for children and young people when making a formal complaint under the Children Act 1989.

Options, timescales and measuring success

What other options were considered?

14 This contract continues to provide good outcomes for children and young people and value for money; the annual price of the contract, £223,909.00, was fixed for the term of the contract (3-years). The annual price of the new contract will also remain fixed at £223,909.00 for this period (01/04/2023 to 31/03/2024).

How will success be measured?

15 This contract is subject to quarterly monitoring and the Commissioning and Market Management Team will continue to contract manage the extension period in collaboration with the social work professionals within Children and Families.

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

16 The original contract period ended on 31/03/2023. Although this contract had the option to extend for 2 x periods of 12 months, it expired without taking up the available extension for the period from 01/04/2023 to 31/03/2024.

This report seeks decision to award a new contract to formalise the implied contract and ensure service continuity from 01/04/2023 to 31/03/2024, with the option to extend for 1 x 12 months period.

Appendices

- EDCI form, DDN.

Background papers

- None