

Awarding of contract to Family Action (PAC-UK) in support of the National Adoption Commissioning Programme 2023/24 and 2024/25 using Contract Procedure Rule 9.5

Date: 02/02/2024

Report of: National Adoption Strategic Lead

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

This report seeks approval to award a contract to Family Action (PAC-UK) in support of the National Adoption Commissioning Programme 2023/24 and 2024/25.

This follows a decision taken in May 2022 for Leeds to accept grant funding from the Department for Education and act as a Lead Authority to commission services supporting the National Adoption Strategy.

The contract will start 01/02/2024 and expire 30/09/2025. The total contract value is £325,000.

Recommendations

- a) The Director of Children and Families is recommended to approve the proposals in this report for the Council to retrospectively award a contract to Family Action (PAC-UK) to deliver an innovation project in support of the National Adoption Commissioning Programme 2023/24 and 2024/25. The contract will run from 01/02/2024 to 30/09/2025 with a total contract value of £325,000.

What is this report about?

- 1 This report concerns the award of a contract to Family Action (PAC-UK) using national adoption commissioning programme funding to deliver a national innovation project.
- 2 A decision was taken on 13/05/2022 to enter into an agreement and accept grant funding from the DfE. Grant funding is managed by the National Strategic Lead on behalf of all Regional Adoption Agencies (RAAs) to undertake activity on a national and regional scale in support of the National Adoption Strategy, with Leeds City Council acting as the lead local authority.
- 3 DfE grant funding to improve the adoption system for vulnerable children and young people has been in place since 2019. The grant for 2022/23 – 2024/25 is for work supporting improvements in early permanence (up to £3m) and national matching of children and families (up to £5 m) over the three-year period. It also includes £1.5m in 2023/24 and £2m in 2024/25 to support the development of new adoption commissioning arrangements at a regional and national level.
- 4 An Implementation Strategy has been developed for the National Adoption Commissioning Programme, detailing how the funding will be used, exploring commissioning arrangements at both national and pan- RAA levels to improve the speed, quality, and consistency of adoption support services across the country. This includes an Innovation Fund, to support regions to test new ways of commissioning adoption support services and improve current arrangements at a pan-RAA level. The fund will give the opportunity to innovate and test different ways of working to see if they have a positive impact including improving outcomes, reducing administration, and delivering more value for money. A delegated decision to award grants to regions following evaluation of expressions of interest was published on 23/11/23.
- 5 The Innovation Fund will also enable approaches to commissioning adoption support at a national level to be tested. A proposal has been developed in consultation with RAA Leaders for a project to test a new, nationally commissioned service to address gaps in provision. It will pump prime further development of a free to access national resource and test a new service model for intermediary advice and support. The project will develop a new Birth relative and Professional area on the existing [FamilyConnect website](#), create a new national FamilyConnect advice line for adopted adults, birth parents and relatives and professionals, with a coordinator alongside the website and intermediary services for some people adopted before 1976.
- 6 The Adoption UK Barometer 2022/23 and the PAC-UK Big Consult <https://www.pac-uk.org/pac-uk-publish-big-consult-findings/> has rated services for adopted adults as poor. It is nationally acknowledged that there is an inadequate provision for adopted adults, with a confusing regional offer and no clear pathways to access adoption records, particularly exacerbated since the regionalisation of services in some areas. There is a clear lack of access to information, advice and support to access records. There is also very limited access to funded intermediary services across the country, with adopted people are using social media sites, DNA tests and personal research to find and contact birth family. We know that this does not provide the most successful, safe or enduring outcomes with an increased chance of further rejection and retraumatising.
- 7 The Joint Committee on Human Rights report, *The Violation of Family Life: Adoption of Children of Unmarried Women 1949–1976*, highlights a particular need for support to be offered to those unmarried mothers who had their babies taken for adoption in the late 1940s, 50s, 60s and 70s, including to improve access to counselling and remove barriers to accessing adoption documents.

- 8 RAA Leaders are keen to explore the development of services at a national level to address these gaps and create fair and equal access across the country. This contract will also enable demand to be tested, as well as whether better value for money can be achieved through economies of scale. It would also create the conditions for growth in the market of intermediary support providers.
- 9 **FamilyConnect** www.familyconnect.org.uk was originally funded by Family Action and developed with the expertise and support of David Holmes CBE, Julia Feast OBE, University College London's MIRRA Project and the Care Leavers' Association. FamilyConnect helps adults who have been adopted or in care find answers to questions about their origins. Finding out about your background and family members can help you understand inherited health risks, make important life choices and understand more about why you were separated from your birth family. Lots of people aren't aware of their legal rights when accessing their birth and care records, or what they can expect to receive and how to go about searching for information in the first place. Family Action's FamilyConnect website helps people explore these issues, providing information, guidance, support and signposting to help. The vision of the project creators was always to develop FamilyConnect as a **free to access national resource** with high quality advice and information for adopted and care experienced people. FamilyConnect is well-used and has clear potential to be developed and expanded further and to be promoted as a high-quality national resource for all those affected by adoption and care.
- 10 The service will provide:
- Accessibility of information in **one stop for all relevant parties**
 - Clear offer for RAAs on websites and duty lines
 - National advice line – providing **specialist triage**, advice and support with trained professionals.
 - Co-ordinator to improve links with RAA's and intermediaries.
 - Access to online peer support groups for adopted people through signposting to existing PAC-UK groups or other groups.
 - A limited offer of intermediary to be offered to **pre 1976 group involving:**
 - 3 sessions of support (this can lead to further therapeutic provision -subject to budget and need);
 - A search service;
 - Request to Adoption Agency for adoptive information, veto information and an agency view on intermediary;
 - Intermediary contact and mediation to the adopted person/birth relative; and
 - Reunion support where requested.
- 11 It has taken several months for RAA Leaders and the DfE to develop the proposal to the point at which it can be commissioned. Given the time constraints for this grant funding, awarding a contract for the services by way of a competitive tender would be very challenging. The pilot needs 18 months minimum to complete the initial website development, recruit staff and scale up delivery to generate sufficient learning to inform future commissioning. It must, therefore, commence as soon as possible in 2024.
- 12 In order to develop and scale up delivery in the timeframe, a provider is needed with sufficient existing resources and expertise in this area. PAC-UK already provides services to this client group and are now managing FamilyConnect. The FamilyConnect website is the only resource of its kind with the level of information and provision about accessing records. PAC-UK could continue to make efficient use of online platforms for both therapy, intermediary and group work but recognise that particularly for the affected birth mothers this is often not appropriate so in-person support would also be needed. There is currently a very limited market for intermediary services and PAC-UK has relationships with existing providers. Through this

contract, they would continue to work with these providers to sustain and encourage them to further develop their provision.

- 13 PAC-UK is the largest independent adoption support agency in the UK, supporting over 5,000 individuals and families (and professionals) affected by adoption and permanency each year. PAC-UK has over 35 years' of specialist experience and is rated as 'Outstanding' by Ofsted. In recent years they have combined with other specialist providers to produce a more robust organisation with a wider reach and a more comprehensive range of services. Between 1 April 2022 and 31 March 2023 the PAC-UK Advice Line handled 4,542 calls and offered 6,319 appointments to 1,556 unique individuals and families affected by adoption and permanency. In addition to this they have provided a large number of online and in-person support groups.
- 14 PAC-UK have submitted a detailed breakdown of costs using a Service Cost Analysis Form to enable value for money to be assessed. The proposal has been evaluated by an expert panel of RAA Leaders and the DfE. Social Value is incorporated in the service specification and PAC-UK will make commitments against these in the contract method statement.
- 15 The contract will be monitored by the national commissioning core team hosted by Leeds City Council. Progress and outcomes will be overseen by the National Adoption Strategic Lead and learning will feed into the National Adoption Support Programme Board.

What impact will this proposal have?

- 16 An Equality Impact Assessment Screening document has been undertaken. This identifies there is a positive impact in respect of equality and diversity in that it will advance equality of opportunity for children that are looked after, particularly those most vulnerable i.e. those with special educational needs and disabilities; those from BME backgrounds and older children awaiting adoption.

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

Health and Wellbeing Inclusive Growth Zero Carbon

- 17 This proposal provides strong support for the refreshed Children and Young Peoples Plan and the Council's ambition to be a Child Friendly City. The outcomes delivered through this grant funding 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.
- 18 This proposal also supports the 2020-25 Best Council Plan priority to make Leeds a Child Friendly City where families are supported to give children the best start in life.

What consultation and engagement has taken place?

Wards affected: National awards across England

Have ward members been consulted? Yes No

- 19 No individual wards in Leeds will be impacted by these proposals because the work will be delivered to support the National Adoption Strategy at a national and regional level.
- 20 There are no particular legal or statutory requirements to undertake consultation as part of this decision. Consultation has taken place regularly at regional RAA meetings with the National

Adoption Strategic Lead and representatives from the DfE and RAA leaders to explore options on how to best continue management of the grant to achieve positive outcomes for prospective adopters and children awaiting adoption.

21 The Executive Member for Children, Families and Adult Social care has been consulted about the national adoption commissioning programme.

What are the resource implications?

22 The total value of the contract is £325,000. This will be paid £162,500 in 2023/24, front loaded to pay for initial development activity, recruitment and admin costs incurred by rapid mobilisation. This will also include an element of payment in advance for service delivery, which will help Adoption England manage the DfE grant funding and reduce the risk of not being able to spend the grant fully by year end. There is currently an underspend in the national adoption commissioning programme budget for 2023/24, which will cover up to the £162,500 budgeted for. The remaining £162,500 will be paid in four equal instalments of £40,625 throughout 2024/25. This will again involve some element of payment of advance to cover delivery and transition planning during April to September 2025.

23 The risks associated with payments in advance are considered to be manageable. Family Action (PAC-UK) are a large, national charity with multiple and diverse funding sources. The provider will be required to submit a detailed cost breakdown of actual spend mid-contract and at expiry in September 2025. Ongoing contract management will ensure robust and collaborative monitoring of performance and progress against key delivery milestones and outcomes stipulated in the service specification. The Chief Officer, Financial Services approved payments in advance on 02/02/24.

24 This funding is additional revenue funding that is ring-fenced to deliver the outcomes specified in the DfE grant agreement. Awarding this contract will not create additional financial pressure to Leeds City Council. Should the contract not be awarded, Leeds City Council in consultation with the national Strategic Lead and RAA Leaders will make other arrangements for the allocated amount with other activity or not claim this amount from the DfE (we are paid in arrears). Any underspend of funding would also not be claimed. Leeds, as the lead local authority, will receive and manage the funding on behalf of all RAAs. The grant is a section 14 grant and will be claimed for quarterly in arrears.

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

25 The rapid mobilisation required will be challenging. This would be mitigated by awarding a contract directly to PAC-UK who have existing products/services such as the website and advice line that can be developed and existing staff that could be utilised as interim resource as the project is expanded.

26 The level of demand can only be roughly estimated and the variance could be significant. Ensuring a soft promotion of the service initially and robust monitoring of take up should ensure growth is manageable and costs can be kept within budget. Should demand for the intermediary services be higher than anticipated and at any time during the contract it is projected to exceed the budget available, Adoption England and the Contractor will liaise with RAAs to wind this aspect of provision down early.

27 The performance and outcomes of the contract will be monitored by the National Adoption Commissioning core team hosted by Leeds City Council and reported back to the DfE. A partnership approach will be used to identify and address challenges with PAC-UK and RAAs.

Spend and progress against key milestones will be closely monitoring to manage the risk of payments in advance (as per paragraphs 19 and 20).

What are the legal implications?

- 28 This is a significant operational decision due to the value and is also a direct consequence of the key decision to accept and distribute DfE grant funding taken on 13/05/2022 (reference D55203). It is not subject to call in.
- 29 The value of this decision is under the threshold applicable to services listed in Public Contract Regulation 2015- Schedule 3, Social and specific services.
- 30 The decision is in line with Contract Procedure Rule 9.5: Where the relevant Director considers there is genuinely no competition such that only a particular organisation or provider can meet the Council's specific requirements (e.g. when commissioning a piece of art) a waiver of CPRs 9.1 and 9.2 need not be obtained. However, before making any decision the Authorised Officer must consult with PACS and the lack of competition must be formally evidenced and approved by the relevant Director before the contract is entered into. The proposed direct appointment must also be assessed against the provisions of the Subsidy Control Act so as to ensure that no unlawful subsidy is provided.
- 31 The conditions of CPR 9.5 have been met, as demonstrated in this report.
- 32 A Subsidy Control Act 2022 assessment has been completed to demonstrate the contract does not constitute a subsidy.
- 33 In making their final decision, the Director of Children and Families should be satisfied that the course of action chosen represents best value and ensures the local authority meets its statutory obligations.

Options, timescales and measuring success

What other options were considered?

34 n/a

How will success be measured?

- 35 The intended outcomes of the project include:
- A consistent offer to adopted adults and birth relatives with clear pathway through a single, national service for information, advice, support and signposting – overarching outcome.
 - Improved understanding of the services provided for adopted adults across the country and where issues regarding access to records are problematic.
 - Improved understanding of demand through monitoring of traffic to FamilyConnect website and calls/emails to the advice line.
 - Increased use of OFSTED regulated intermediary services among adopted adults and birth relatives.
 - Adopted adults who use the services have improved satisfaction/knowledge of services for adopted adults and use of intermediary services.

- 36 The RAA Leader's Group is responsible for ensuring projects and activities deliver the intended outcomes of the grant and that performance is robustly monitored against the priorities of the National Adoption Strategy.
- 37 The National Adoption Commissioning core team hosted by Leeds, will be responsible for monitoring performance and progress against intended outcomes and will have monthly meetings with regional commissioning members. Performance data requirements will be agreed on award of the contract.

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

- 38 Following approval for this decision, the new contract award will be processed as soon as possible, with a start date of 01/02/2024.
- 39 The National Adoption Commissioning team is responsible for awarding the contract.

Appendices

- Appendix 1 - Equality, diversity, cohesion and integration (EDCI) screening

Background papers

None