

From: **Sue Chandler, Cabinet Member for Integrated Children's Services**

Matt Dunkley CBE, Corporate Director of Children, Young People and Education

To: **Children, Young People and Education Cabinet Committee – 16 November 2021**

Decision: **21/00093 - Representation, Rights and Advocacy (RRA) Services - procurement of a new service**

Key decision **Overall service value exceeds £1m and/or affects more than two Electoral Divisions.**

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary: This report provides the Children, Young People and Education Cabinet Committee with the background and rationale regarding the proposal to re-procure a service encompassing Representation, Rights and Advocacy (RRA).

The procurement process will include engagement with service users, wider stakeholders and the market to fully scope a new service that is both flexible and responsive for the needs of children and young people whilst meeting KCC's statutory requirements for representation.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to **CONSIDER** and **ENDORSE**, or **MAKE RECOMMENDATIONS** to the Cabinet Member for Integrated Children's Services on the proposed decision (attached as Appendix A) to:

A) Commence formal procurement activity to tender for a service, award a contract and develop robust contract management for oversight of the contract performance.
and

B) Delegate authority for the Corporate Director Children, Young People and Education in consultation with the Cabinet Member to award a contract following a competitive tender process.

1. Introduction

- 1.1. Kent County Council (KCC) has a comprehensive Representation, Rights and Advocacy (RRA) Service delivered by The Young Lives Foundation.
- 1.2. The contract commenced on the 1 April 2015 was for a period of three years. The contract had an annual value of £250,300. The original contract had no capacity to be extended and a Single Source Justification was entered into and will end 31 March 2022.
- 1.3. In 2020/2021, an additional service to the Independent Visitor element was included as a Leaving Care Mentoring Service at £8,500.
- 1.4. The contract performed well and performance targets were consistently met by the provider.
- 1.5. The Local Authority has a Statutory obligation to provide the elements included in this service.

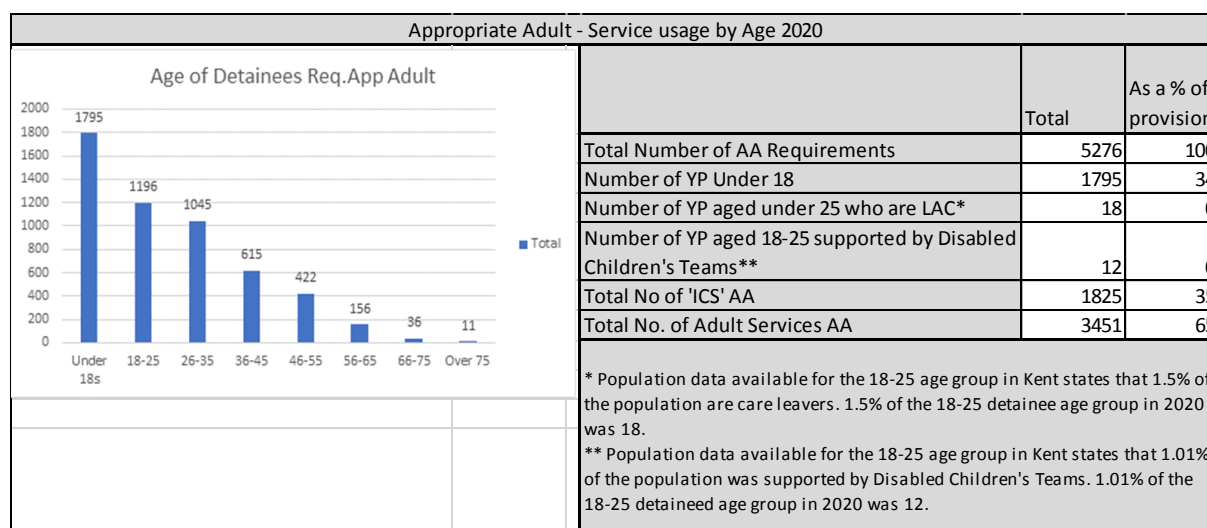
2. Scope of the current contract

- 2.1. **Appropriate Adults** – Current financial envelope £44,400 per annum.
 - 2.1.1. The Appropriate Adults (AA) Service is for young people aged 10 - 17 years and vulnerable adults detained at police custody suites who require support
 - 2.1.2. Performance - In 2020/21, the service attended 2,283 requests for an Appropriate Adult across Kent custody suites (excluding Medway). This was an increase of 34% on the commissioning requirement of 1,700.
 - 2.1.3. Figure 1 below demonstrates the age demographic accessing this service. Approximately 65% of calls for this service is for vulnerable adults.
 - 2.1.4. Demand for this service remains high with requests for the attendance of an Appropriate Adult being nearly one third higher than anticipated within the original contract.
 - 2.1.5. According to annual data, shared by Kent Police, one in every 18 people detained in custody require an Appropriate Adult (approximately 20%).
 - 2.1.6. Kent Police are working to bring all young people's interviews into office working hours and this should see a decrease in out of hours requirements for an Appropriate Adult for a child going forwards.
 - 2.1.7. Representations have been made to Kent Police for this service, as currently they do not contribute to the cost of Appropriate Adults. In addition, representations are also being made to Adult Social Care for an increase in funding as the service is primarily (65%, 2020/2021 as demonstrated in Fig 1) used by Kent Police for vulnerable adults.

2.1.8. If funding were to be received from partners, Integrated Children's Services could continue to fund the overall service at its current rate and meet increasing demands as detailed further in the report.

2.1.9. The specification in relation to the Appropriate Adults service has not kept up with the changes to the Police and Criminal Evidence Act 1984 (PACE). Any new service would need to take the changes into consideration

FIG 1.



2.2. Advocacy – Current financial envelope £86,000 per annum

2.2.1. Advocacy for Children in Care and for Care Leavers aged 16 – 24 is for those children who have been assessed as being in need, or need safe plans to be made for them, and those subject to a child protection plan under the Children Act 1989. Adopted children are also covered.

2.2.2. The Advocacy Service supported 255 young people in 2020/2021. This was a 25% increase above the agreed annual cap of 200 referrals.

2.2.3. Despite the challenges of Covid-19, 95% of the referrals were responded to within the target of two working days.

2.2.4. Due to the impact of Covid-19 demand is expected to increase due to an increase in complaints, joint housing assessments and evictions.

2.2.5. Based on these factors together with the performance of the service in 2020/2021 and in previous years, the current cap of 200 referrals per year, is expected to be surpassed in 2021/2022.

2.3 Independent Visitors – Current financial envelope £44,400 per annum (plus £8,500 Leaving Care Mentoring Service)

- 2.3.1 Independent Visitors (IV) is a service for Children in Care aged 8 – 18 years without family contact. However, all Children in Care are entitled to an IV and it is seen as best practice that a child has access to an IV.
- 2.3.2 The current provider has exceeded targets for the service with 73 young people receiving support in 2020/2021. The annual target for the Independent Visitors service is 60. To address the over subscription to this service an additional £20k was secured
- 2.3.3 As part of this service, KCC funds 10 places per year for young people to access the provider's Leaving Care Mentoring Service. This additional funding is for young people who turn 18 who choose to retain the support of the IV.

2.4 **Independent Persons** – Current financial envelope £55,650 per annum

- 2.4.1 The Independent Persons Service (IP) is for the support of Stage Two complaints under the Children Act 1989. A stage two complaint is second stage of the complaint procedure which involves raising a formal complaint about a caseworker
- 2.4.2 Due to the impact of Covid -19 and the Government Ombudsman's decision to suspend all complaints from April-July 2020 complaints were very low in the last year
- 2.4.3 As the Covid-19 restrictions are lifted and normal working practices are resumed it is predicted that the number of complaints requiring support from this service will rise.

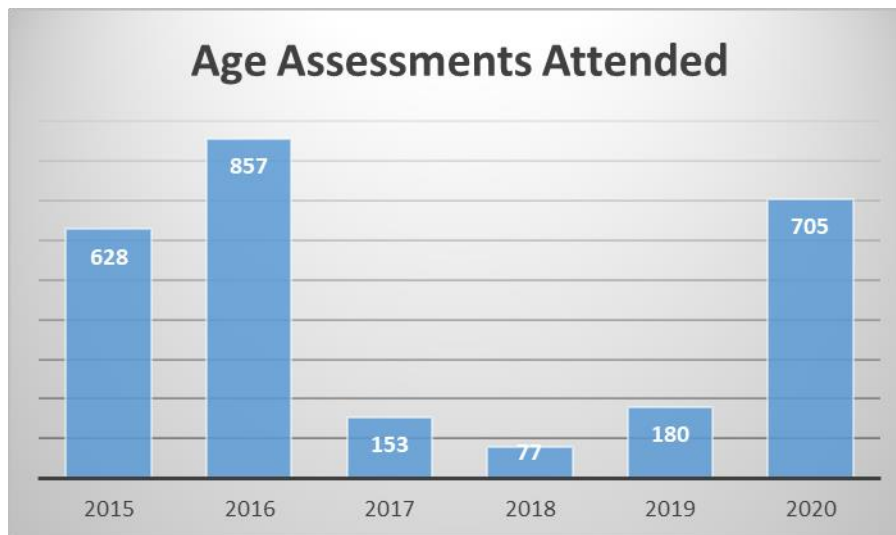
2.5 **Accompanying Adults** – Current financial envelope £19,850 per annum

- 2.5.1 The Accompanying Adults Service provides an independent person to accompany unaccompanied asylum-seeking children (UASC) to age assessment interviews for.
- 2.5.2 In 2020/2021 the service received requests to attend 975 age assessment interviews. This is an increase of 138% on the commissioning requirement
- 2.5.3 Despite the challenges of Covid-19, accompanying adults attended 705 interviews within five working days.
- 2.5.4 Accompanying adults attend a minimum of one interview but this can be up to three and can be spread out over a number of weeks.
- 2.5.5 Fig 2. below demonstrates the pressure this service is under. To help address this the Home Office has agreed additional funding to support a new KCC age assessment team.
- 2.5.6 This team will consist of a team of eight social workers (four pairs of assessors) with a team manager and business support. The expected increase of meetings in which an Accompanying Adult would be required,

will total 46-58 meetings a month which could not currently be catered for within the existing contract.

2.5.7 Additional funding of £30,000k over the contract value was agreed with the Home Office in 2020/2021. An increasing number of age assessments are being appealed which is also leading to an increase in requests for Accompanying Adults.

FIG 2.



3 Commissioning Approach

- 3.1 Development of the Specification will be in partnership with key stakeholders including children and young people, Adults Social Care, providers, Police, PCC Office and the wider market.
- 3.2 A Prior Information Notice will be advertised on the Kent Business Portal requesting feedback on the proposed delivery model and scope of provision.
- 3.3 Part of any Invitation to Tender will include but not be limited to:
 - The requirement for evidence of delivery of advocacy against PACE regulations
 - Previous experience in working against a backdrop of relevant legislation.
 - An ability to flex the model of provision between both face-to-face delivery and a virtual offer to not only protect against any further lockdowns but also match delivery to the needs of children and young people.
 - A track record in embedding the voice of children and young people in the development of provision
 - Ability to flex model to accommodate fluid numbers of referrals (particularly on the Accompanying Adults element)

4 Options Appraisal

4.1 The following table sets out the options considered, along with the advantages and risks of each option:

| Option | Advantages | Risks |
|---|--|--|
| <p>1. Do nothing: The contract ends and KCC do not meet their statutory obligations.</p> | <ul style="list-style-type: none"> • Annual saving of £258,800 | <ul style="list-style-type: none"> • KCC fail in their statutory obligations. • In order to meet the statutory obligations, for example the requirement to provide an Appropriate Adult, frontline KCC staff would need to attend police custody suites. • Young people who use these services will be left without support at a time when they are at their most vulnerable. |
| <p>2. Create a new service In-House: KCC to deliver countywide via new Team.</p> | <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • The nature of this service has to be delivered by a third party and therefore cannot be delivered in-house |
| <p>3. Externally commission a new service as a single contract with five lots.</p> | <ul style="list-style-type: none"> • Ability to work with partners to develop a new provision • The use of volunteers has been instrumental to the delivery of this service. Providers are skilled in managing a volunteer workforce that also works to reduce some costings • Robust contract management will be in place to monitor performance. • Potentially enable a consortium approach from providers to best match skill set with need | <ul style="list-style-type: none"> • A procurement process will be required. • Longer timescale for implementation. • TUPE implications • Potential gap in service provision as a new service mobilises • Prevents providers only applying for those elements (Lots) which are core business. |
| <p>4. Externally commission five separate services</p> | <ul style="list-style-type: none"> • Would enable smaller providers to bid for a specific area that they would consider 'core business' | <ul style="list-style-type: none"> • Very small individual services that may not be attractive to tender for from the market • Risks having no bidders for any one of the 'lots' • Disproportionate |

| | | |
|--|--|---|
| | | <p>contract management costs for both the provider and Local Authority.</p> <ul style="list-style-type: none"> • A potential for five different providers to be in place which may create a disjoin between service provision. • Protracted procurement exercise for little gain. |
|--|--|---|

4.1 Based on the above options appraisal and discussion at CYPE Directorate Management Team, the recommended option is Option 3, Externally commission a new service as a single contract with five lots

4.2 Stakeholder engagement and co-production will be a key part of building a new model, with children and young people and providers sharing their knowledge and experiences. This will be used to inform the development of the specification.

4.3 Commissioners expect the contract term to be three years with the option to extend for a further two individual years. There will be a requirement to include flexibility within this term to make delivery is fit for purpose.

4.4 Commissioners will work with the market to understand the best approach to incorporate a strong review process to assess how the contract should develop to meet need and if the next year will be managed in the same way (this is in addition to usual contract termination clauses) There would be consideration for an option to extend the contract for a further two years on a one-plus-one basis at the end of its term.

5 Timelines

5.1 Should the recommended option be agreed, informal market engagement will commence in December 2021.

5.2 Specification development and publication of a notification on the Kent Business Portal can commence on publication of the formal decision.

5.3 A procurement process can be implemented to ensure that there is no gap in provision, enabling a new service to be in place from 1 April 2022.

6 Financial Implications

6.1 This service will be funded from within the existing revenue KCC base budget reported against Integrated Childrens Services in the Budget Book.

6.2 The funding available is £258,800 per annum which totals £1,294,000 for a three-year contract with the option to extend for a further two years.

- 6.3 Commissioners will work with Adult Social Care colleagues and Kent Police to access additional funding to underpin the service and consider the age demographic and a requirement for a 24/7 provision.
- 6.4 Future financial pressures are expected to include both pay inflation and uncertainty in numbers of Accompanying Adults.
- 6.5 Due to the size and nature of the contract no direct financial savings have been identified in relation to this proposal.
- 6.6 Financial risks associated with this proposal are expected to be low: potential costs will be managed through the tender process and ongoing contract management for the commissioned service.

7 Legal implications

- 7.1 Appropriate Adults Service for young people aged 10 - 17 years detained at Police Custody Suites who require support. There is a statutory obligation for young people to have access to an AA regardless of the time of day and currently, this is not being fulfilled.
- 7.2 Advocacy for Children in Care and for Care Leavers aged 16 – 24. Children assessed as being in need, or need safe plans to be made for them, and those subject to a child protection plan under the Children Act 1989.
- 7.3 Independent Visitor service for Children in Care aged 8 – 18 years - Children Act 1989.
- 7.4 Accompanying Adults Service for the purpose of age assessment interviews for unaccompanied asylum-seeking children - Children Act 1989.

8 Equalities implications

- 8.1 If the recommendation to procure a new service without a gap in provision none of the protected characteristics would be adversely impacted. EqIA screening has been completed and found a full action plan was not required. This will continue to be developed and reviewed as this procurement progresses.

[RRA EqIA](#)

9 Other corporate implications

- 9.1 The statutory requirement for this service lies with the CYPE Directorate. Responsibility for a compliant procurement sits within the Strategic Commissioning Division in Strategic and Corporate Services Directorate. Legal engagement will be required in the construction of the contract.

10 Governance

- 10.1 Accountability of the service sits with the Corporate Director for Children, Young People and Education. Responsibility sits with the Director for Integrated Children's Services (East).

11 Conclusions

- 11.1 The Local Authority has a Statutory obligation to provide the elements included in this service.
- 11.2 Current services have been performing well and the wider market is ideally placed to meet the requirements of provision due to the need to flexible deploy resource.
- 11.3 The current funding streams for the overall contract does not match the demographic split of service users. Representations will be made to both Adults Social Care and the police to address this and to look at the viability of a 24/7 service for Appropriate Adults.
- 11.4 Commissioning Activity will, if approved commence in December for a new service to be implemented by 1 April 2022.

12 Recommendation(s)

12.1 The Children, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Integrated Children's Services on the proposed decision (attached as Appendix A) to:

A) Commence formal procurement activity to tender for a service, award a contract and develop internal provision for ownership and oversight of the activity.

and

B) Delegate authority for the Corporate Director Children, Young People and Education in consultation with the Cabinet Member to award a contract following a competitive tender process and implement the Decision.

13 Background Documents

None

14 Contact details

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