

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

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

To: **Children's and Young People's Cabinet Committee – 15 January 2021**

Subject: **Provision of therapeutic practitioners for post adoption support services**

Decision Number and Title – **20/00124 - Provision of therapeutic practitioners for Kent's post adoption support service**

Key decision –*It affects more than 2 Electoral Divisions*

Classification: **Unrestricted**

Past Pathway of report: N/A

Future Pathway of report: Cabinet Member Decision

Electoral Division: all

Summary: To inform the Children, Young People and Education Cabinet Committee of the work undertaken to review Kent's Post Adoption and Support Service in light of the Regional Adoption Agency (RAA) that started operating in November 2020. This outlines the options for ongoing provision of the therapeutic and psychology input when the current contract with Coram ends on 31 March 2021.

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) Authorise KCC to directly employ therapeutic practitioners to operate as part of the multi-disciplinary team that provides post-adoption support services.
- B) Agree to a short extension of the current contract of up to three months to ensure a smooth transition to inhouse provision
- C) Delegate decisions about the establishment of the new service to the Corporate Director for Children, Young People and Education, or other Officer as instructed by the Corporate Director in liaison with the Cabinet Member for Integrated Children's Services

1. Introduction

- 1.1 KCC has a contract with The Thomas Coram Foundation (Coram) to provide specialist practitioners to work as part of the multi-disciplinary team delivering post adoption support services across Kent. The contract is due to end on 31st March 2021. The annual cost of the contract is £310,000.
- 1.2 This report outlines and summarises the outcome of a review of the current arrangements and a proposal for KCC to provide the therapeutic services in-house from April 2021.

2. Background

- 2.1 Good quality and accessible post-adoption support services are crucial to ensuring and maintaining stable adoption placements. In Kent, this support is provided by a multi-disciplinary team with social workers as well as other specialists in family systemic therapy, theraplay, clinical psychology and occupational therapy. Whilst KCC employs the social workers in the team, it commissions Coram to provide the therapeutic practitioners and the associated clinical supervision.
- 2.2 In recent years, external funding from the Government's Adoption Support Fund (ASF) has covered most of the costs of the post-adoption support service, meaning that the contract with Coram has been almost cost neutral for KCC. This arrangement is expected to continue for the foreseeable future although it cannot be guaranteed as the government has not yet confirmed future ASF funding levels.
- 2.3 KCC has sought views about post-adoption support services and ideas for the future. The feedback demonstrated strong support for the continuation of a multi-disciplinary team which is able to deliver a range of therapeutic services.
- 2.4 Since the start of November 2020, Kent's adoption services have formed part of Adoption Partnership South East, the Regional Adoption Agency with Medway and Bexley. Although the existing post-adoption support service only covers Kent, it will be important that the service has the flexibility to provide support across the partnership area in the coming months if the appropriate funding is available.

3. Options

- 3.1 KCC has two broad options for continued delivery of the post-adoption support services after March 2021. Both would enable continuation of a multi-disciplinary team and flexibility to provide support across the region. The options are:

Option 1: Commission a post-adoption support team from an external provider via a competitive tendering process

- 3.2 KCC could seek to retender the contract and commission an external provider to provide therapeutic practitioners for the multi-disciplinary team. The provider would be responsible for all clinical supervision requirements. Under TUPE rules, the current therapeutic practitioners employed by Coram would most

likely be eligible to transfer employment to any new provider at the end of their contract.

- 3.3 The tender advert would need to include an option for the service to be expanded to cover Bexley & Medway when necessary. There are additional flexibilities which could also be introduced as part of the tender process including minimum and maximum spends and that all expenditure will be dependent upon ASF income to offset the costs.
- 3.4 The decision to retender the service via a competitive process will require a short-term extension of the existing contract with Coram to allow time for completion of the procurement and transition process.

Option 2: Provide the therapeutic element of the service inhouse from April 2021

- 3.5 The current therapeutic practitioners employed by Coram would likely be subject to TUPE and would therefore transfer to KCC when the current contract expires. This would allow KCC to retain the specialist knowledge and expertise of the existing workforce in the longer term.
- 3.6 KCC would also need to agree arrangements for the clinical supervision of some of the practitioners in order to comply with their professional registration. If the final decision is taken to bring the service inhouse, these negotiations and discussions can take place as part of the transition phase from January to March 2021.
- 3.7 This option allows for a gradual growth to provide support to families in Medway and Bexley when funding is available, either from the ASF or from the local authorities.
- 3.8 This option is likely to have higher staffing costs due to the costs of higher pension contributions. However, these additional costs will be offset by avoiding the costs of a management fee or overheads for an external provider.
- 3.9 This option may also require a short extension (up to three months) of the existing contract in order to allow for any unexpected delays in the transfer process.

4. Legal implications

- 4.1 Option 1 would require a competitive process to be undertaken in line with the Public Contracts Regulations 2015. Both options will have TUPE implications so the therapeutic staff employed by Coram would transfer to the successful external provider (in the case of Option 1), or to KCC (in the case of Option 2).
- 4.2 The receiving organisation would also inherit those individuals' continuous service from their outgoing employer and would be liable for the payment of any future redundancy costs.

5. Financial Implications

- 5.1 Although ASF income has covered most costs of the £310,000 annual cost of the post-adoption support service, this level of income generation cannot be guaranteed in the future. KCC will therefore continue to face the financial risk of a funding shortfall if the ASF is sharply reduced.
- 5.2 There are occasions when some ASF income needs to be returned and this can be for example because a therapeutic intervention ended earlier than planned. The Adoption Service ring fence the ASF income and carry over unused income, so the money is available to be returned and does not come of the adoption service base budget.

6. Equalities implications

- 6.1 An Equality Impact Assessment (EqIA) screening has been completed and has concluded that the proposed decision does not present any adverse equality impact.

7. Other corporate implications

- 7.1 The therapeutic practitioners employed by Coram are already based in KCC offices alongside the rest of the Adoption Service (although currently working remotely). There is no immediate requirement for further equipment.
- 7.2 Pursuing option 2 would require KCC to progress the requirements of TUPE transfer of staff. There would also be impact on HR and payroll.

8. Governance

- 8.1 This service sits within the Integrated Children's Services Division of the Children, Young People and Education Directorate.

9. Conclusion

- 9.1 The Kent post adoption support service provides vital support to adoptive families in Kent as part of a multi-disciplinary team. External income from the ASF covers most of the cost of the service.
- 9.2 Currently, KCC employ the social workers in the team but the therapeutic practitioners are provided via a £310,000 contract with Coram. The expiry of the contract in March 2021 provides an opportunity to consider how best to deliver the service from April onwards. This report has considered alternative options of retendering the service or bringing it inhouse.
- 9.3 Although there is no cost difference between the two options, the ICS consider that Option 2 is the preferable option as it will provide greatest opportunity for further integration and flexibility to meet the evolving needs of Adoption Partnership South East.
- 9.4 The timescales to implement the decision requires some flexibility to make sure the legal implications of TUPE are fully followed. Either option may therefore require a short extension (up to three months) of the current contract.

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) Authorise KCC to directly employ therapeutic practitioners to operate as part of the multi-disciplinary team that provides post-adoption support services.
- B) Agree to a short extension of the current contract of up to three months to ensure a smooth transition to inhouse provision
- C) Delegate decisions about the establishment of the new service to the Corporate Director for Children, Young People and Education, or other Officer as instructed by the Corporate Director in liaison with the Cabinet Member for Integrated Children's Services

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