

## CHILDRENS SCRUTINY COMMITTEE

### REVIEW OF COMMISSIONED SERVICES AND YOUTH OFFENDING

16<sup>th</sup> December 2021

#### Report of the Strategic Director for Children and Families

Strategic Aim:	Creating a brighter future for all	
Key Decision: No	Forward Plan Reference:	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr D Wilby, Portfolio Holder Education and Children's Services.	
Contact Officer(s):	Dawn Godfrey, Strategic Director Children and Families.	01572 758358 dgodfrey@rutland.gov.uk
Ward Councillors		

#### DECISION RECOMMENDATIONS

That Scrutiny Committee:

1. Notes the commissioning arrangements, assurances, and impact of significant commissioned contracts in Children's Services.

## 1 PURPOSE OF THE REPORT

- 1.1 The report provides members of Scrutiny Committee with information on key processes and developments in Children's Services commissioning.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The governance arrangements in place around Rutland County Council's Children's Services ensures corporate accountability and scrutiny of the service. The Children's Directorate Leadership Team reports to the Council's Senior Leadership team including Members, which in report to Cabinet and to the Corporate Parenting Board, informed by Children's Scrutiny Committee.
- 2.2 We have a locality Children's and Young People's Partnership, a subgroup of the Rutland Health and Well Being Board, which comprises representatives of our key statutory partners, the voluntary sector and parents which drives our Strategic Children's Plan and key strategic objectives.
- 2.3 We are part of the Leicestershire and Rutland (LR), Children and Young People's Safeguarding Partnership working with wider partnership agencies to safeguard and

promote children and young people's welfare and engage with partnership activity including monitoring and auditing of services.

Our commissioning processes are reviewed at our Children's Services Commissioning group, chaired by the Strategic Director. There are Quality Assurance, (QA) processes built into our contract monitoring and in addition, individual children's services seek challenge and assurance through our QA and Performance Framework. Our commissioned placements and provision is reviewed during statutory reviews as well as through the Council's multidisciplinary panels such as Children Looked After (CLA), ARC and Special Educational Needs and Disabilities (SEND) Panel, 0 to 19 Assurance Board and the Children's Centre Governance Group.

### **3 COMISSIONING PROCESS**

- 3.1 As contracts come towards their last 18 months, Officers begin the process of recommissioning. The service area with support from the Commissioning Team review current provision against performance of the contract, need for the service(s) in the future, and potential demand. This is used to create an options appraisal for future delivery. Where relevant, potential providers will be identified, and a Soft Market Test undertaken to establish the viability of the option(s) for delivery of the service identified. The resulting information from all of the above leads to the development of a specification by the service area.
- 3.2 Where a service needs to be externally procured, then this will be undertaken in line with the Council's Contract Procedure Rules and the route of procurement dependent on the contract value.
- 3.3 Where services are statutory, there may be limited choice for future provision, for example in the case of the provision of out of hours social care, youth justice statutory duties which is provided on Rutland's behalf by Leicestershire County Council.

### **4 CONTRACT MONITORING ARRANGEMENTS IN CHILDREN'S SOCIAL CARE SERVICE**

- 4.1 Contract monitoring meetings are taking place monthly with, Lincolnshire County Council (Adoption), Peterborough City Council (Legal Services) and Leicestershire County Council (Out of Hours Service). The meeting is attended by the Head of Service and Service Manager.
- 4.2 Monthly contract meetings are used to monitor efficiency. We also manage and improve any performance issues, identifying lessons learnt to improve process and to inform future contract terms or strategies.
- 4.3 We have a working agreement with Peterborough County Council (PCC), legal services for children social care cases.
- 4.4 Family Group Conferencing is spot purchased when there is a requirement.

### **5 CONTRACT MONITORING ARRANGEMENTS IN EARLY HELP, SEND AND INCLUSION SERVICES**

- 5.1 Contract monitoring meetings, undertaken by the Head of Service or Service

Manager, take place monthly or bi-monthly with key providers, including Leicestershire County Council Youth Justice service, School Development Support Agency, (SDSA), for our SENDIASS provision, Partners in Psychology, (PIP), our independent provider for our Educational Psychology services, Public Health 0 to 19 Assurance Board. The commissioned contracts associated with the SEND Recovery Plan are monitored via the monthly Education Inclusion Panel and report to Schools Forum.

- 5.2 The strategic leadership and governance oversight for these contracts comes from the Rutland Children and Young People's Partnership, the SEND Programme Board, and the Schools Forum, all of whom receive progress and impact reports.
- 5.3 When appropriate case level examples are utilised, to evidence impact, or to identify value for money and cost avoidance as referred to in the separate SEND Recovery Plan update report.
- 5.4 Practice and outcomes for children and families are also monitored through our QA and Performance framework, including the use of the performance scorecard, and practice reviews.
- 5.5 A number of the providers will be subjected to external regulatory inspection processes also, such as HMIP, CQC and Ofsted inspections.
- 5.6 In addition to these large Provider contracts, described in the appended spreadsheet, (Appendix A), the service has a large number of contracts associated with the provision for individual children, such as SEND children and young people, who have specific education, health or social care provision and interventions set out in their statutory Education Health and Care Plans, (EHCP). There are 275 EHCPs as of October 2021. Contacts and oversight is also in place for children who are receiving their education other than at school, (EOTAS), this includes children who may have a school exclusion or have medical needs. The decision-making process, value for money and contract compliance for these cohorts of children are tested through the SEND multiagency Panel . The fortnightly Panel oversees all provision for children with complex needs or SEND.

## **6 CONTRACT MONITORING ARRANGEMENTS IN THE LEARNING AND SKILLS SERVICE**

- 6.1 Services are contracted by the Learning and Skills Service to ensure statutory duties are fulfilled, utilising specialist skills and knowledge to ensure provision is meeting need.
- 6.2 Contracts are reviewed throughout the length of the contract, and contracts may be adjusted following review to ensure they are offering best value.
- 6.3 Contracts to support the work of the Virtual School are financed through specified grant funding and are monitored through regular meetings and are reported through the Virtual School Annual Report to the Corporate Parenting Board.

## **7 CONSULTATION**

- 7.1 For some contracts, such as the Educational Psychology, (EP) contract and the SENDIASS contract, a full-service review, and consultation with the SEND community was undertaken to inform the tendering process. Other contracts will not

require a community wide consultation as the offer has been tried and tested and levels of satisfaction with the service offer are high. However, services will engage children young parents and their families, or representative groups such as the Rutland Parent Carer Voice and through regular feedback from young people , such as Children in Care Council, (CIC), Disabled Youth Forum (DYF), alongside our satisfactory surveys undertaken regularly, which inform proposed models.

## **8 ALTERNATIVE OPTIONS**

- 8.1 Both options appraisal exercises and soft market testing responses, will inform services if there are options open to the Local Authority to deliver a different model or a more cost-effective model. The service may be tied into a specific option due to the wider strategic arrangements, such as the Leicestershire Judicial system.
- 8.2 The 'anticipated maximum costs' of a contract can be based on the current provider's quotation. However, a key purpose for going to procurement is to encourage competition and obtain value for money and a bidder could come in lower than the advertised price.
- 8.3 The option to revise a contract based on demand will be tested during a procurement process. Some services want a contract that will allow for, the option to reduce the contract value should the number of cases, assessments or interventions decrease. A number of contracts such as the EP contract, or the YJS contract have a block payment for a guaranteed number of cases with extras paid as a spot purchase on a case-by-case basis

## **9 FINANCIAL IMPLICATIONS**

- 9.1 The increase in demand in some services, such as SEND education, health, and care assessments and EHCPs has resulted in increased demand in specific statutory services, such as the EP service and an increased cost of the contract which will create a new budget pressure in the Council's SEN Operations budget, as there is no way to mitigate this pressure within the service, for which RCC will be liable.
- 9.2 Our procurement process and decision-making panels will seek assurance that the provision commissioned for children and young people and families is cost effective and efficient. Our Internal Audit process will regularly test this.

## **10 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 10.1 The Council would not be able to go to direct award of a contract if the value of the contract is above the Official Journal of the European Union (OJEU) threshold and therefore the Public Contract Regulations require competition for this.
- 10.2 The Local Authority and its partners have a number of key statutory obligations to children and young people, which includes, identification and assessment of risk and need, the delivery of early and targeted support and the provision of specialist interventions.
- 10.3 The Children and Families Act and Care Act 2014 places greater emphasis and importance on giving children and their carer's greater choice and control in the support they need. So individual and creative commissioning arrangements and the use of personal budgets and direct payments is explored where possible.

## **11 DATA PROTECTION IMPLICATIONS**

- 11.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

## **12 EQUALITY IMPACT ASSESSMENT**

- 12.1 The Local Authority has a duty under the Children Act and the SEND Code of Practice to safeguard and protect children and to meet the needs of children with additional needs or deemed to be children in need.

## **13 COMMUNITY SAFETY IMPLICATIONS**

- 13.1 The Local Authority has a statutory obligation to safeguard vulnerable children at home and in the community,

## **14 HEALTH AND WELLBEING IMPLICATIONS**

- 14.1 It is intended through the interventions described in the appended spreadsheet, Appendix A, that children will have their needs identified and responded to appropriately and within the Local Authority's statutory duties. The development work built into a number of contracts enable services to also respond to children's needs early, and therefore reduce the risk of children escalating into specialist services, which are already under increasing pressure to meet assessment and therapy timescales.

## **15 CONCLUSION**

- 15.1 Notes the commissioning arrangements, assurances, and impact of significant commissioned contracts in Children's Services.

## **16 BACKGROUND PAPERS - THERE ARE NO ADDITIONAL BACKGROUND PAPERS TO THE REPORT**

## **17 APPENDICES APPENDIX A. - CONTRACT REGISTER**

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.