

Cabinet – 15 January 2020

Award of New Contract for Black Country Family Drugs and Alcohol Court (FDAC) Partnership

Portfolio: Councillor T Wilson - Children and Young People

Related portfolios: Public Health

Service: Children's Services

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 The Councils of Walsall, Dudley and Sandwell Childrens Trust with the Designated Lead Judge for Wolverhampton, Her Honour Judge Dowding and District Judge Gailey and The Child And Family Court Assessment and Support service (CAFCASS,) wish to offer an alternative form of care proceedings. These alternative care proceedings are for parents and children where substance misuse is such a key concern that children may need to be removed from their families.
- 1.2 These alternative proceedings take place in the Family Drug and Alcohol Court (FDAC.)
- 1.3 There has been an increase in cases where Courts and Local Authorities face situations where children are removed from parents, and those same parents will then have further children removed. This is, perhaps, unsurprising because the problems that the parents have often remain untreated despite these problems being the basis for their children being removed and coming into state care.
- 1.4 FDAC is different from the traditional care proceedings model in that it involves extensive work with the parents from a multi-disciplinary team and with fortnightly progress meetings scheduled with the Judge without lawyers.
 - **Assessment** – parents are assessed by the team meeting with a substance misuse specialist, and are tested for drug and alcohol misuse. They also meet with the FDAC social worker who will consider their children's needs.
 - **Planning** – formulation of a plan to identify the issues that need working on led by a Consultant Psychologist.
 - **Support** – this plan will often involve intensive monitoring, support and therapy for the parents. Drug and alcohol testing takes place frequently. Parents undertake a 12 week Trial for Change and if successful are supported to have

their children returned to their care and then are offered up to 18 months post proceedings support.

- 1.5 Parents who have achieved one-year post placement reunification are offered training to become volunteer mentors for other parents going through proceedings.
- 1.6 FDAC is a thoroughly evaluated evidence based intervention and has recently received a What Works Centre 3 out of 3 score for effectiveness and high evidence for family reunification.
- 1.7 In addition to FDAC Walsall has been successful in its bid to be take on the Family Safeguarding model as its social work model of practice. This model has evidenced significant positive effects in working with families before care proceedings. Both models will bring valuable resources to support children and families to stay together where we have safeguarding concerns in relation to substance misuse, mental health and domestic abuse.

2. Summary

- 2.1 On 20 March 2019 Cabinet approved for Walsall Council to enter into a collaboration agreement with Dudley MBC and Sandwell Childrens Trust to deliver a Family Drugs and Alcohol Court within the Wolverhampton Justice Centre. Cabinet also gave approval for Walsall Council take the lead role on behalf of the collaborating Local Authorities and take the lead on the commissioning, procurement and contract management of a Family Drug Alcohol Court. The collaboration is for a 3-year period (1 April 2020 to 31 March 2023) with the option to extend by 2 periods of 1 year with a maximum total contract term of 5 years, which is proportionately funded by the three parties to the collaboration.
- 2.2 Approval is sought under this report for the award of a contract for the provision of Family Drugs and Alcohol Court following the conclusion of the procurement process.
- 2.3 This report should be read in conjunction with the award of the new contract for the provision of a 'Family Drugs and Alcohol Court Partnership' Private Session Agenda Cabinet Report, to be considered by Cabinet on this Agenda.
- 2.4 This is a key decision because it exceeds the threshold for significant expenditure and will affect children and families across all wards.

3. Recommendations

- 3.1 That Cabinet give approval for the award of a new contract, valued in the region of £329,040 per annum, to Change, Grow, Live, for the provision Family Drugs and Alcohol Court for the period 1 April 2020 to 31 March 2023 with an option to extend annually for up to 2 years.

- 3.2 That Cabinet delegate authority to the Executive Director of Children's Services, in consultation with the Portfolio Holder for Children's Services, to enter into a new contract to deliver Family Drugs and Alcohol Court Partnership by using the most appropriate procedures and to subsequently authorise the sealing or signing of any contracts, deeds or other related documents for such services.

4. Report detail - know

Context

- 4.1 The commissioning process and service specification has been informed by national and local policy, local needs assessment, evidence, knowledge gained from other neighbouring procurement exercises and a comprehensive consultation process involving stakeholders, partner agencies and service users
- 4.2 The Councils of Walsall, Dudley and Sandwell Childrens Trust with the Designated Lead Judge for Wolverhampton, Her Honour Judge Dowding and District Judge Gailey, together with The Child and Family Court Assessment and Support service (CAFCASS,) wish to offer an alternative form of care proceedings for parents and children where substance misuse is key factor of concern.
- 4.3 Often Courts and Local Authorities face situations where children are removed from parents, and those same parents will then have further children removed. This is, perhaps, unsurprising because of the drug and alcohol dependency that the parents have often remains unresolved despite these problems being the basis for their children being removed and coming into state care.
- 4.4 FDAC is different from the traditional care proceedings model in that it involves extensive work with the parents from a multi-disciplinary team and with fortnightly progress meetings scheduled with the Judge without lawyers. The approach runs alongside the more formal court process.
- 4.5 The overall long-term positive impact of FDAC is that money is saved by the decrease in the number of children taken into care due to their parent's substance misuse. Short-term gains include the individual amounts saved on numerous assessments, expert assessments, court costs and legal services costs.
- 4.6 The FDAC proposed service model is modest and prudent in its ambition. The aim is sustainability and effectiveness. The FDAC service will be a 32 case model, meaning that the Service will engage with a minimum of 32 families in one year with a potential for double that number if cases conclude through to 26 weeks in court. The service will offer community support to families where reunification has been successful for up to 18 months. In total at a minimum 86 families will have been engaged over the initial 3-year of the term proposed contract. Walsall has agreed to refer 15 families to the service per year.
- 4.7 Walsall has taken the active role as the Lead Council encompassing responsibility for commissioning, procuring and in managing the contractual arrangements with the commissioned provider. No process is risk free but consequential risk is mitigated by the formation of a legally binding Collaboration Agreement between Walsall Council as Lead council, Dudley Metropolitan Borough Council and

Sandwell Children's Trust. As part of the Collaboration Agreement Walsall has also secured an agreement from the other two parties, to make an annual payment to assist Walsall in resourcing the additional costs incurred in undertaking its Lead Council role.

Council Corporate Plan priorities

- 4.8 Walsall Council's corporate plan: 2018-2021, sets out a commitment to give children and young people the best possible start in life ensuring they are safe from harm, happy, healthy and learning well. The key principles of the proposed FDAC are central to this priority because it supports family reunification where it is right to do and reduces drift in planning for children in care.
- 4.9 The Corporate plan also sets out a commitment to people having increased independence, improved health so they can positively contribute to their communities. The FDAC Model builds resilience in successful families and promotes the development of Parents Mentors as volunteers in the service; these are made up of those parents who have been successful graduates in FDAC.

Risk management

- 4.10 Potential risk and liabilities as identified through the implementation and procurement process are managed through the development of and enforcement of the terms of the Collaboration Agreement if required. There is a strong governance process through the operation of the FDAC Steering Group and the close working relationship between the Steering Group and the commissioning leads led by Walsall commissioning through the contract monitoring and management in partnership with other collaboration commissioning leads.
- 4.11 In the implementation of the FDAC service, evidence of previous implementations strongly indicates the need to ensure clear pathways and protocols from the local authority to the service provider to ensure the workflow is effective and manageable over the contract period. These pathways and protocols are being developed by the operational group and will be signed off by the steering group and be ready to be implemented by contract award. The three respective Executive Directors have delegated decision-making authority to their representatives on the Steering Group on behalf of each of the three collaborating Authorities. Walsall's Children AD for Safeguarding and family support, Mrs Colleen Male is Vice Chair of the steering Group.

Financial implications

- 4.12 An allocation of £2.45m funding was announced for Walsall to deal with pressures in adults and children's social care services. Following discussion with the relevant portfolio holders, £300,000 has been allocated to FDAC to fund the first three years including allocation for service support as shown in the table below.

	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Total
Gross Cost – 15 Cases	199,238	202,322	205,469			607,029
Savings (Placement Avoidance)	(33,649)	(109,069)	(164,764)	(186,809)	(167,084)	(661,375)
Funding Requirement	165,589	93,253	40,705	(186,809)	(167,084)	(54,346)
Cumulative Funding Requirement	165,589	258,842	299,547	112,738	(54,346)	(108,692)

4.13 The model is based on an overall case referral limit of 32 families being offered FDAC intervention each year with the three partner organisations having an allocated share of the referrals per year based upon their current cohort of eligible families. Of the 32 families, Walsall have a referral limit of 15 families per year, Sandwell Trust 12 and Dudley MBC 5.

4.14 Over the five years of the project life it is anticipated that there will be savings made from placement avoidance, which will mean that over the life the net position will be a £54k surplus. This assumes that savings from interventions will be delivered from year one onwards. There is a risk that this may not happen and this will lead to an unfunded pressure in Children's services.

Legal implications

4. 15 Legal Services and Procurement have assisted Children's Services with using the most appropriate procurement procedures and preparing a comprehensive written contract (in a form approved by the Head of Legal and Democratic Services).

4.16 The procurement exercise which the Council has carried out has been undertaken in accordance with the legal requirements of the Public Contracts Regulations 2015 and the Council's Contract Rules.

4.17 The new services will be evidenced by the formation between Walsall Council and the successful tenderer of a written contract in the form which has been approved by the Head of Legal and Democratic Services and shall be made and executed in accordance with the Council's Contract Rules.

Procurement Implications/Social Value

4.18 The procurement process has been conducted in accordance with the procurement rules which are set out in the Public Contract Regulations 2015, the Council's Contract Rules and Social Value Policy. Social value is an integral part of this contract and all tenders have been evaluated based on their ability to bring social value including employment and volunteering opportunities as part of their service delivery. The proposed successful bidder clearly demonstrated their social value through a commitment to create opportunities for local people and voluntary sector organisations.

4.19 Steps have been taken to minimise procurement-related risk. However, there will always remain an inherent risk of legal challenge associated with any procurement undertaken by the Council. Input has been sought from Procurement and Legal Services, as required to ensure the conduct of a compliant procurement process.

Property implications

- 4.20 No property implications

Health and wellbeing implications

- 4.21 The establishment of the FDAC service will reduce the impact of Adverse Childhood Experiences on the Looked After Childrens population and associated health inequalities. This is an explicit objectives of the Joint Strategic Needs Assessment, Walsall Plan – Health and Well Being Strategy 2017-2020. The proposals are tested against the Marmot Objectives.

Staffing implications

- 4.22 The FDAC multi-disciplinary team will be a commissioned service so there are no staffing implications.

Reducing Inequalities

- 4.23 The implications for reducing inequalities have been taken into account and assessed as set out below. The establishment of the FDAC service will positively improve the opportunities for families to effectively engaged with the Family Court where drugs and alcohol dependency impacts on their parenting capacity and has the potential to reduce inequalities for this cohort of children and families. An Equalities Impact Assessment has been undertaken and will be under review in regards to the evaluation of impact of the service through the performance indicators and outcomes, which are set out in the contract

Consultation

- 4.24 There is no requirement for statutory consultation but children and families will be involved in the development of the proposed FDAC service.

5. Decide

The options have been between two providers, following the procurement process, which is open, and transparent the evaluation has identified a clear contract award winner.

6. Respond

To implement the Black Country FDAC the operational group is developing protocols and pathways to ease service delivery and the steering group will sign off such protocols from the local authority to the service provider.

7. Review

Following the award of contract, Walsall Council will also undertake the management and monitoring of the contract on behalf of members of the collaboration. The Steering group will meet monthly in the first year of the contract

delivery, ensuring an overview of performance and offering to all stakeholders the space to resolve any non-contractual operational issues. The Commission leads will provide a summary of performance and outcome measures to the Steering Group. This will be quarterly in the first year and annually thereafter. The Chair of the Steering Group under its Terms of Reference is authorised to speak with executive leads and seek resolutions from them for any operational issues that may emerge from the conduct of members of the collaboration.

Background papers

none

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