

**Contract Extension of the Black Country Family Drugs and Alcohol Court (FDAC) Service in the Boroughs of Walsall, Sandwell and Dudley**

**Portfolio:** Councillor Elson – Children and Young People

**Related portfolios:**

**Service:** Children's Services

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

**1. Aim**

- 1.1 The aim is to continue to deliver a Black Country Family Drug and Alcohol Court (FDAC) to children and families who are subject to care proceedings initiated by the Local Authority where serious parental substance misuse is a key factor, but who may also present with domestic abuse and /or mental health issues.
- 1.2 FDAC is a multi-disciplinary specialist team who work closely with the Family Court to deliver an expert assessment considering the family's needs, concerns and strengths, in order to return the child safely to the care of their parents or to ensure permanent care for the child, within appropriate timescales.
- 1.3 Walsall MBC is the lead authority, working in collaboration with Sandwell Children's Trust and Dudley MBC. Walsall MBC has the option of referring up to 15 families annually. The families need to meet the basic criteria to be accepted into FDAC along with a social work led assessment to identify if the family is likely to benefit from the specialist court.

**2. Summary**

- 2.1 On 20<sup>th</sup> March 2019 Cabinet approved for Walsall Council to enter into a collaboration agreement with Dudley MBC and Sandwell Children's Trust for 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 on the commissioning, procurement and contract management of a Family Drug Alcohol Court.
- 2.2 As lead Local Authority, Walsall MBC was granted £1.09m from the Department of Education to support the implementation of the FDAC Model, as part of the Supporting Families; Investing in Practice Programme. This is 50% of the total

contract value, the remainder of which is proportionately funded by the three parties to the collaboration. The collaboration was for a 3-year period (1 April 2020 to 31st March 2023) with the option to extend by 2 periods of 1 year with a maximum total contract term of 5 years,

- 2.3 In April 2020 Change Grow Live (CGL) were awarded a 3-year contract to deliver the FDAC Service for the Black Country. The 32 allocated places per year are as follows:

<b>Local Authority</b>	Walsall MBC	Sandwell Children's Trust	Dudley MBC	Annual Total	Contract total
<b>No of families</b>	15	12	5	32	96

- 2.4 The initial take up of the service was slower than expected, with referrals not meeting the expected volume and further impacted by Covid. Work was undertaken to raise awareness and understanding of the FDAC service, as well as reviewing the suitability of families referred into the service, resulting in an increase in referrals and families benefiting from accessing the service.
- 2.5 To maximise opportunities for family support, a slight change was made in May 2022 to the service specification to allow a third of the places to be used for families in pre-court proceedings, recognising the benefits of this approach in reducing risks and complexity and preventing families from entering full care proceedings and enabling the children to stay within their family.
- 2.6 Approval is sought under this report to vary the contract and extend the contract term for a further 12 months from and including 1 April 2025 to 31 March 2026. This will enable a review of the impact of the overall FDAC programme to inform the future direction and sustainability of the service. The service is funded through 50% Grant funding from Department for Education and an 50% allocations-based contribution from partner Local Authorities. The outcome of the review will inform any potential future service from April 2026.
- 2.7 The FDAC model supports family reunification where it is right to do, building resilience in families and reducing drift in planning for children's care. This supports the priorities set out in the Council's Corporate Plan to give children and young people the best possible start in life, ensuring they are safe from harm, happy and learning well and Walsall's Right 4 Children aspiration that every child and family in Walsall is understood, feels happy and safe, with a strong sense of belonging, enabling them to learning, achieve and succeed.
- 2.8 This is a key decision because it exceeds the threshold for significant expenditure and affects children and families across all wards.

### **3. Recommendations**

- 3.1 That Cabinet delegates authority to the Executive Director for Children's Services, in consultation with the portfolio holder for Children's Services, to vary the contractual arrangements to allow the extension of the contract from 1 April

2025 until 31 March 2026, and subsequently authorise the sealing or signing of any associated contracts, deeds or associated contracts, deeds or other related documents.

- 3.2 That Cabinet delegates authority to the Executive Director for Children’s Services, in consultation with the portfolio holder for Children’s Services, to authorise any lawful variations to the contractual arrangements for services identified above, should this be required at any time during the term, in line with Public Contracts Regulations 2015 and the Council’s Contract Rules.

**4. Report detail - know**

***Context***

- 4.1 The FDAC model is an adaptation of the Family Treatment Courts developed in the United States. It is an alternative model of care proceedings in that it involves extensive work with the parents whose substance misuse is impacting on their parenting capacity and who may also present with domestic violence and / or mental health issues. The problem-solving trauma informed approach of the FDAC multi-disciplinary team offers holistic support to manage and assess the complexity of these needs.

- 4.2 Where families are able to engage successfully with the FDAC programme, the outcomes they can achieve include:

- Reunification
- Reduction or abstinence in substance misuse
- Parental recognition of their own and children’s needs
- Improved mental health and well-being
- Developing trusting relationships with the team and improved parental circumstances.

- 4.3 On 30 June 2020 the Council entered into a 3-year contract with Change Grow Live (CGL) for the delivery of a FDAC Service for the Black Country FDAC, for which Walsall are the lead Local Authority in collaboration with Sandwell Children’s Trust and Dudley MBC. Allocations are as follow:

<b>Local Authority</b>	Walsall MBC	Sandwell Children’s Trust	Dudley MBC	Total	Contract total
<b>No of families</b>	15	12	5	32	96

- 4.4 To date 88 families have had a FDAC assessment. Of these, 16 families have not participated in the programme. The families that have not participated have either not shown a commitment to engage; or have not accepted the concerns, or they were in a mental health crisis and not able to engage in the intensity of FDAC programme. Of the 88 families, 17 were subject to pre-proceedings.

***Performance and outcomes 2022 – 2024***

- 29% of families achieved reunification
- 39% achieved abstinence from alcohol and 30% achieved abstinence from drugs by the end of the intervention
- 55% families diverted from court and stepped down to child in need or child protection plan
- 20% issued into standard Care proceedings
- 25% Issued into FDAC proceedings

4.5 Children's Commissioning and Social Care teams plan to undertake a review of the impact of the overall FDAC programme to inform the future direction and sustainability of the service, including revenue options. The proposed extension to this contract will allow sufficient time to undertake a further analysis of the benefits and undertake any appropriate strategic procurement processes prior to the extension expiring on 31 March 2026. Potentially, this will allow opportunity to open the collaboration arrangements to other Black Country Local Authorities.

### ***Council Plan priorities***

4.6 Walsall Council's Corporate Plan: 2022 – 2025 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 FDAC are central to this priority because it supports family reunification where it is right to do so and reduces drift in planning for children's care.

4.7 The Corporate Plan sets out a commitment to people having increased independence and improved health so they can positively contribute to their communities. The FDAC Model builds resilience in families. In addition, it promotes the development of parent mentors as volunteers in the service; these would be parents who have successfully graduated from the FDAC programme.

### ***Risk management***

4.8 Potential risks and liabilities are identified and mitigated through strong governance and performance management processes managed by the FDAC Steering Group and the close working relationship between the Steering Group and the commissioning leads led by Walsall Children's Commissioning Team.

4.9 FDAC service has clear pathways and protocols in place between the Local Authorities and CGL to ensure effective workflow is manageable over the contract period. Executive Directors from each Local Authority have delegated decision-making authority to their representatives on the Steering Group. Walsall's Director – Children's Social Work, is the Vice-Chair of the Steering Group.

4.10 The contract extension period needs to be agreed with the provider by the end of September. If the contract extension is not in place, the FDAC Service would not be able to receive referrals from October onwards due to the timescales required to complete the work by the end of the current contract. There is also

a risk that uncertainty will lead to FDAC team leaving for other jobs if this is not resolved by this time.

### ***Financial implications***

- 4.11 The contract was awarded to Change, Grow, Live for a 3-year period from and including 1 April 2020 to 31 March 2023 with the option to extend by 2 periods of 1 year each, with a maximum total contract term of 5 years ending on 31 March 2025, which is proportionately funded by the three collaborating local authorities.
- 4.12 In February 2020, as lead Local Authority, Walsall were granted £1.09m from the DfE (Department of Education) to support the implementation of the Family Drug and Alcohol Courts Model, as part of the Supporting Families; Investing in Practice Programme. It is forecasted that by the end of 2024/25, there will be £229k of the grant remaining. It is proposed, if Cabinet were to approve the variation of the contract detailed above, the remainder of the grant will be used to fund the final project costs and 50% of the CGL contract value for 2025/26, with the remaining 50% being funded from contributions from each of the 3 local authorities, based on the number of allocated places.
- 4.13 The forecasted CGL contract spend to date is as follows:

<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>	<b>24/25</b>	<b>Total Spend</b>
£329,040	£335,621	£335,621	£342,333	£349,180	£1,691,795

- 4.14 The cost of extending the contract for a further 12 months is £356,163. Following allocation of the remaining reserve, detailed in 4.12, Walsall's contribution in 2025/26 would be £83,476. This is within the service's allocated budget for the FDAC programme.

### ***Legal implications***

- 4.16 Legal Services and Procurement have assisted Children's Services to ensure the extension of the current contractual arrangement is carried out lawfully and using a methodology which will be contractually binding.

### ***Procurement Implications/Social Value***

- 4.17 All procurement activity will be undertaken in compliance with Public Contracts Regulations 2015 and the Council Contract Rules. Procurement and Legal Services will co-ordinate to ensure there is a consistency of advice and approach.
- 4.18 As the contract options that were originally available in the contract have now been exhausted; in order to extend further, this contract must be modified in line with Regulation 72 1(e) of the Public Contracts Regulations 2015. These

statutory provisions set out the scenarios under which the contracts that are subject to the Regulations can be modified.

- 4.19 Advice has been sought from Legal Services and Procurement as to whether the proposed extension of the contract term is a lawful modification under the applicable statutory provisions. As the contract is classified as a 'light touch contract' and the proposed extension is only for one fifth of the maximum original five-year contract term, the proposed extension is not considered to be a substantial change to the original contract and therefore is unlikely to be regarded as unlawful or vulnerable to legal challenge.
- 4.20 Procurement will ensure that all relevant notices are published to comply with the relevant statutory requirements.

### ***Property implications***

- 4.21 There are no property implications arising from this report.

### ***Health and wellbeing implications***

- 4.22 The content of this report has considered the Marmot objectives. Our priority is that children are safe from harm, happy and learning well with self-belief, aspiration and support to be their best. The FDAC service will reduce the impact of Adverse Childhood Experiences and associated health inequalities on children. This is an explicit objective of the Joint Needs Assessment, Walsall Plan – Health and Wellbeing Strategy 2022 – 2025.

### ***Reducing Inequalities***

- 4.23 The FDAC Service will positively improve the opportunities for families to effectively engage 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 ensure that family substance misuse issues are addressed. An equalities impact assessment has been undertaken and will be reviewed as part of the evaluation of the service.

### ***Staffing implications***

- 4.24 The FDAC multi-disciplinary team will be employed by an external provider. As such, there are no staffing implications for the Council.

### ***Climate Impact***

- 4.25 There are no climate impact implications.

### ***Consultation***

- 4.26 There are no requirements for statutory consultation, but children and families will be involved in the ongoing development of the FDAC Service.

4.27 This report has been brought to Cabinet following internal consultation with Council representatives, Directors and the Portfolio Holder for Children's Services.

## **5. Decide**

5.1 Cabinet is requested to approve the proposal to enter into extended contractual arrangements for the continued provision of the FDAC Service as set out in this report and agree the recommendations as outlined in section 3.

## **6. Respond**

6.1 Subject to Cabinet approval of the recommendations, Children's Services will:

- (a) Extend the current contractual agreement from and including 01 April 2025 to 31 March 2026 and make any variations, therefore ensuring appropriate contractual arrangements are in place.
- (b) Return to Cabinet following a review of the impact of the FDAC service, setting out options for future provision.

## **7. Review**

7.1 As the lead authority, Walsall Council undertakes the performance management and monitoring of the contract on behalf of the members of the collaboration. This is supported by a Steering Group, chaired by a Family Court District Judge and ensures an overview of performance offering all stakeholders a space to resolve any non-contractual issues. The commissioning leads provide a summary of performance and outcome measures to the Steering Group. Under its Terms of Reference, the Chair of the Steering Group is authorised to speak with the executive leads and seek resolution for any operational issues that may emerge from the members of the collaboration.

## **Appendices**

### **Background papers**

### **Author**

Paula Wilman  
Childrens Commissioning Lead  
✉ Paula.Wilman@walsall.gov.uk  
☎ 652906

Raji Bains  
Commissioning, Consultation and  
Contract Management Officer  
✉ Raji.Bains@walsall.gov.uk

☎ 650718



Colleen Male  
Executive Director  
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Councillor Elson  
Portfolio Holder, Children and Young  
People  
27.08.2024