

Notice of Meeting

Cabinet Member for Children Decisions

**Date & time**

Thursday, 8
November 2018 at
9.30 am

Place

Committee Room C,
County Hall, Penrhyn
Road, Kingston Upon
Thames, KT1 2DN

Contact

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Chief Executive

Joanna Killian

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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Joss Butler on 020 8541 9122.

Cabinet Member

Mrs Clare Curran (Cabinet Member for Children)

AGENDA

1 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- i. Any disclosable pecuniary interests and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

2 PROCEDURAL MATTERS

a Members' Questions

The deadline for Members' questions is 12pm four working days before the meeting (02/11/2018).

b Public Questions

The deadline for public questions is seven days before the meeting (01/11/18).

c Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

3 EXPERT ASSESSMENT WAIVER, CHILDREN AND YOUNG PEOPLE SAFEGUARDING

(Pages 5
- 10)

Surrey County Council must meet its statutory obligation to ensure that decisions about children and their families are made using robust information. Often this information is obtained through a range of expert assessments (psychological, cognitive and parenting assessments) that support care planning decisions.

The level of demand for expert assessments in Surrey is very high and Surrey County Council's in-house Children's Social Care teams are finding it challenging to meet this statutory and in some cases court ordered demand. To cope with this demand and ensure our statutory duties are met, Children's Social Care teams have been spot purchasing specialist external experts to carry out these assessments. The level of spot purchasing now requires a waiver if it is to continue, whilst new arrangements are developed.

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SURREY COUNTY COUNCIL

MRS CLARE CURRAN, CABINET MEMBER FOR CHILDREN



DATE: 08 NOVEMBER 2018

**LEAD OFFICERS: SHEILA NORRIS, INTERIM DIRECTOR FOR COMMISSIONING
ROSS DUGUID, ASSISTANT DIRECTOR OF PROCUREMENT & COMMISSIONING**

SUBJECT: EXPERT ASSESSMENT WAIVER, CHILDREN AND YOUNG PEOPLE SAFEGUARDING

SUMMARY OF ISSUE:

Surrey County Council must meet its statutory obligation to ensure that decisions about children and their families are made using robust information. Often this information is obtained through a range of expert assessments (psychological, cognitive and parenting assessments) that support care planning decisions.

The level of demand for expert assessments in Surrey is very high and Surrey County Council's in-house Children's Social Care teams are finding it challenging to meet this statutory and in some cases court ordered demand. To cope with this demand and ensure our statutory duties are met, Children's Social Care teams have been spot purchasing specialist external experts to carry out these assessments. The level of spot purchasing now requires a waiver if it is to continue, whilst new arrangements are developed.

RECOMMENDATIONS:

It is recommended that a nine month waiver for expert assessments is approved to allow time for work to take place that will provide a better solution to spot purchasing.

REASON FOR RECOMMENDATIONS:

The demand for a range of assessments has increased at a rate which the County Council is unable to meet with its current in-house capacity. The waiver will allow for the continuation of the service whilst in house capacity is developed and a compliant external route to market is identified.

The aim will be to create a mixed economy with the focus on using in-house professionals wherever possible, however an appropriate route to market is also available when needed. This approach will secure prompt availability of assessments for Surrey's children, young people and families.

DETAILS:

Context

1. As outlined in *Child First Commissioning Intentions for Children in Surrey 2017-22*, Surrey County Council is committed to ensuring children in Surrey get the right help, care and protection at the right time so they can thrive. Expert assessments are linked to this commitment because they help inform children's future care planning decisions. It is imperative that Surrey's most vulnerable children receive an expert assessment service that is of a high quality and ensures that assessments are completed within timescales to prevent unnecessary drift, delay and distress.
2. In 2011 the Family Justice Review (FJR) highlighted the need for timely decision making and high quality assessments prior to the commencement of care proceedings. The review recommended wide ranging reforms intended to put children's interests back at the heart of care proceedings. These types of assessments could include psychological, cognitive and parenting capacity assessments. In response to FJR and its recommendations, the County Council established an Any Qualified Provider (AQP) list of external experts for spot purchasing. This purchasing approach was the most appropriate at this time due to the low levels of spend and demand for these types of assessments in Surrey. However, volumes have been higher than forecasted and the AQP list has not been used consistently by the teams and is no longer fit for purpose.

Level of need

3. Surrey has been experiencing a continual increase in the number of children who are going through care proceedings which reflects a general increase that is taking place nationally. Surrey has not increased its Social Work capacity therefore the assessments that would typically be carried out by in-house Social Workers are being externally purchased. The most recent Ofsted report dated May 2018 highlighted Surrey's 'over reliance on independent social workers and other expert assessments'. Ofsted also reported that 'there is further work to do to improve the quality and confidence of (Surrey's) social workers' preparation of evidence in care proceedings'.
4. The demand for expert assessments is projected to increase. In 2017/18, 176 of Surrey's children had at least one expert assessment during pre-proceedings. In 2018/19 this is projected to reach over 275. Whilst demand for these assessments is increasing the County Council continues to face unprecedented financial challenges. The spot purchasing arrangement for expert assessments particularly during pre-proceedings when costs are not agreed within Legal Aid rates means that Surrey is not achieving value for money and is breaching the Council's Standing Orders.
5. There are a number of internal and external factors that have contributed to the increasing numbers of children requiring child protection. Surrey County Council recognises that more work with families needs to take place to ensure families are more resilient and get the support they need to prevent the need for specialist support. Surrey is currently driving a significant transformation to improve outcomes for children, with the introduction of the new Family Resilience model, including early help and prevention services, which will help prevent children and families reaching a level of need which requires

specialist intervention. If Surrey's families are more resilient and get the support they need it is more likely that they will not be requiring specialist support therefore there will be less need for expert assessments.

Spend

6. The overall spend on expert assessments in Surrey as part of pre proceedings and during care proceedings has reached a level that is unsustainable.
7. With a predicted annual spend of over £700k for these types of services, changes in practice, better monitoring systems and a more appropriate route to market must be established. Therefore in the short to medium term there is a need for formal commissioning arrangements to be established. However with the introduction of the Family Resilience model in the medium-term there is an expectation that demand for expensive external assessments will reduce significantly, with the potential of Surrey halving the current number of care proceedings in the next three years.
8. The waiver value is based on 2018/19 spend. As at the end of July 2018, Children's Services had spent £177K and Legal Services £75K. Due to how the Children's Services information is recorded and collected in the case management system (LCS), officers do not have the ability to identify spend broken down by the different types of expert assessments. Consequently it is highly likely that a number of the expert assessments that have been included in the financial analysis may not be what is categorised as expert assessments as part of this commissioning process. Therefore it is possible that the level of expert assessment spend could be lower than estimated because of the data recording issues.

Scope

9. The nine month waiver will allow the County Council to link other externally purchased services that are carried out during care planning into a single procurement process. Most local authorities are externally commissioning these types of assessments either through spot purchasing or formal commissioning arrangements. The County Council will be developing a compliant route to market with the possibility of other local authorities joining the commissioning arrangement to help provide Surrey with stronger purchasing power.
10. While the route to market is being established, the County Council will be embedding the Family Resilience and Family Safeguarding models and improving in-house capacity to carry out these assessments. The in-house service model, workflow and demand for these services will be developed alongside the implementation of Surrey's new Gateway to Resources Team, which will have oversight of all assessments carried out across the county.

Options

Do nothing (**not recommended**)

- Spot purchasing will be non-compliant with the Council's procurement standing orders.
- Spending levels would continue to rise if no intervention or formal commissioning arrangements are established.
- Quality of services would vary and the council would be unable to manage poor performance.

Approve waiver (**recommended**)

- Continue spot purchasing external experts to carry out assessments to meet our statutory obligations as part of care planning.
- Have sufficient time to develop future internal provision and external commissioning for expert assessments and utilise the opportunity to develop a tender that will draw in other assessments that are used as part of care planning through a single procurement process. This will streamline the current purchasing practice and achieve better value for money whilst ensuring that Surrey is compliant with all procurement regulations.
- During the waiver timeframe Surrey County Council will ensure that children, young people and families who are experiencing care proceedings are not negatively impacted whilst new commissioning and internal practices are established.

CONSULTATION:

11. Discussions with Surrey's Social Workers, Legal Services and Financial officers took place to help form the basis of the nine month recommendation and commissioning approach.
12. Direct engagement with children, young people and families did not take place because it was not deemed appropriate to engage with residents that are currently going through court proceedings. However officers did review the concerns that families have shared and established that some families reported that they disagreed and misunderstood assessment content. Therefore the key learning from this will be to help children and families understand the assessment processes and content, and improve communication. Officers recognise that these assessments are carried out with some of Surrey's most vulnerable children and families and it is imperative that these assessments do not cause unnecessary distress.

RISK MANAGEMENT AND IMPLICATIONS:

13. If the nine month waiver is not approved the County Council will not be able to maintain a service to meet its statutory duties in supporting care planning decisions. The County Council would also be at risk of breaching the Council's Procurement Standing Orders. To mitigate this risk the waiver would provide the County Council with sufficient time to improve in-house services, improve the quality and confidence of Surrey's social workers and develop a compliant route to market.

Financial and Value for Money Implications

14. Surrey's Children's Services and Legal Services both commission expert assessments. Surrey County Council's overall spend on expert assessments has now reached a level that is unsustainable in the current financial climate. In 2017/18 Surrey County Council spent £585K and is projected to reach over £700k by the end of 2018/19. Therefore a nine month waiver (November 2018-31 July 2019) value of £568K is being sought so that a more appropriate route to market can be established to ensure that Surrey is compliant with relevant procurement regulations. The majority of spend is within Children's Services and this demand has created a pressure of £170k on the budget for 2018/19 which is currently forecast within the budget monitoring projections.
15. Expert assessments are a statutory demand led service and as mentioned above the demand is rising. The new arrangements will be developed alongside budget planning for 2019-20 so there is no future overspend.

Section 151 Officer Commentary

16. The Council is facing a very serious financial situation, whereby there are still substantial savings to be delivered to achieve a balanced budget in the current year and a sustainable budget plan for future years.
17. The Section 151 Officer can confirm that approving the proposed waiver set out in this report will result in a pressure of £0.170m, which is built in to the current forecast for 2018/19. With the new Family Safeguarding model and improved contract monitoring processes, costs in future years are expected to be contained within the budget envelope included within the current Medium Term Financial Plan.

Legal Implications – Monitoring Officer

18. The Council is required by virtue of the Local Government Social Services Act 1970 and the Children Act 1987 to safeguard the interests of children in its area. The Council would be unable to adequately discharge this duty without expert assessments to facilitate its care planning both pre- and during any court proceedings.
19. In procuring services the Council must comply with the Public Contracts Regulations 2015 (PCRs) and its own internal Procurement Standing Orders (PSOs). The services being procured under this waiver request are categorised as 'light touch' services for the PCRs. The relevant financial threshold for requiring a formalised PCR compliant route to market is therefore £615,278. The spend on expert assessments with individual suppliers is far below the threshold and as such the PCRs do not apply.
20. The Council's own PSOs impose much lower thresholds for formalised routes to market. The PSOs allow this requirement to be waived in appropriate circumstances, as this report seeks to do.

Equalities and Diversity

21. At this stage of the commissioning project Cabinet Member approval for the waiver is being sought so that a procurement process can take place. An Equality Impact Assessment (EIA) will be completed if the waiver is approved as part of the commissioning process.

Corporate Parenting/Looked After Children implications

22. The robust commissioning and contract management arrangements that will help improve quality of assessments.

Environmental sustainability implications

23. There are no implications for climate change or carbon emissions.

Safeguarding responsibilities for vulnerable children and adults implications

24. The robust commissioning and contract management arrangements that will be put in place will ensure that expert assessments will be monitored more closely. Regular monitoring will have a strong focus on providers' safeguarding policies and procedures and ensure that the safety of children, young people and vulnerable adults remains a priority at all times.

WHAT HAPPENS NEXT:

25. The indicative commissioning timeline of the nine month waiver is approved:

Action	Date
Model in house and external future arrangements	November 2018
In-house service development starts	November 2018
Cabinet	May 2019
Contract start date	August 2019

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Consulted:

Meeting held with Cllr Clare Curran, Cabinet Member for Children, during October 2018.

The report was shared with the Children, Families and Learning Strategic Directors prior to submission.