

SURREY COUNTY COUNCIL**CABINET****DATE: 28 MARCH 2017****REPORT OF: MRS CLARE CURRAN, CABINET MEMBER FOR CHILDREN AND FAMILIES WELLBEING****LEAD OFFICER: GARATH SYMONDS, ASSISTANT DIRECTOR COMMISSIONING AND PREVENTION, CHILDREN, SCHOOLS AND FAMILIES****SUBJECT: FRAMEWORK AGREEMENT FOR RESIDENTIAL PARENTING ASSESSMENTS****SUMMARY OF ISSUE**

In families where there are significant child protection issues, well-informed social work assessments concerning the ability of parents to keep their children safe and meet their developmental needs are essential to making appropriate decisions about whether children can be safely supported at home or whether they should be looked after by the Local Authority.

Residential Parenting Assessments conducted in Residential Family Centres are intended to provide robust, fair and evidence based assessments of parenting skills and capability for local authorities and the Courts.

The Cabinet is asked to approve establishment of a four year Residential Parenting Assessments Framework Agreement and award places on this framework to two suppliers. This framework will commence on 1 May 2017.

Due to the commercial sensitivity involved in the contract award process, the names of the providers, all financial details and evaluation scores have been put in the Part 2 report.

RECOMMENDATIONS

It is recommended that the establishment of a Framework is endorsed by Cabinet and award of a place on the Framework be made to the two suppliers for Lot 1, as detailed in the Part 2 report.

REASON FOR RECOMMENDATIONS

There is a duty on local authorities to provide parenting assessments under section 38 (6) of the Children Act 1989, when directed by the Courts during care proceedings.

Establishing a new Framework Agreement will facilitate a long term partnership with suppliers, creating the working environment to support continuous improvement for high quality, child centred assessment services.

Value for money will be secured through a clear pricing structure which will help to ensure transparency and clarity around costs with fixed prices for the first two years

of the framework. In addition to this, there will be robust contract management.

The recommended awarded providers met the tender evaluation criteria as well as demonstrating their experience and ability to deliver robust and high quality assessment reports that would inform care planning decisions.

Changes to UK procurement regulations (the Public Contracts Regulations 2015) means that spot purchasing services above specified financial thresholds (£589,148 per annum for social services) is no longer an appropriate form of procurement.

DETAILS:

Background

1. Residential Parenting Assessments are used where there are serious concerns regarding the ability of parents/ carers to meet the needs of their child(ren). Each family undertakes a period of observation and assessment to identify any issues of concern and support them in making changes in their parenting. The purpose of this is to encourage parents to develop their confidence, skills and abilities in parenting their children and evidencing their potential to meet their child's needs whilst ensuring that their own needs as an individual are promoted and addressed. The assessment informs evidence based recommendations to safeguard a child and is used to determine whether a parent can safely care for their child in the community.
2. Residential Parenting Assessments are usually procured within the context of care proceedings where a judgement on parenting capacity is required to safeguard the wellbeing of children. (Section 31 Children Act 1989). A range of problems can impair parents' ability to meet the needs of their children. These include, but are not restricted to, mental health problems, drug and alcohol use, learning disability and domestic abuse.
3. Following the Family Justice Review in 2011, revised Court Rules and mandatory guidance issued under section 7 of the Local Authority Social Services Act 1970, the Public Law Outline 2014, came into effect. This places specific responsibilities on the Local Authority in bringing Court applications in respect of children, particularly prior to the commencement of proceedings and the expectation that all assessments are of a high standard, and where it is safe to do so, completed in advance of an application to the Court. Once an application is made to the Court the matter must be concluded and decisions taken as to the child's future care within 26 weeks. Consequently, a number of Residential Parenting Assessments are commissioned by local authorities before an application is made to the Family Court.
4. It is unlawful for a local authority to remove a child from their parent's care without their consent, unless the removal is sanctioned by the Court. The approach that the Courts have taken to the removal of children, pending the Court's final decision making has changed over recent years. Case law has established that the separation of a child from his or her parents on an interim basis will only be considered if the child's welfare demands immediate separation. Thereafter, the Court will only approve long term placement of the child away from his or her parents following a robust examination of the local authority's decision making and assessments. Consequently, local authorities

must present robust evidence to the Family Court in support of any application to remove a child from their parents.

5. The Court has the power to order residential and other assessments of a child by virtue of Section 38(6) Children Act 1989. This statutory provision governs the Court's power to order residential parent and child assessments. It can order a Local Authority to commission such an assessment and pay for it in its entirety, even where the local authority may not agree with this.
6. Historically, Surrey's Children's Services has spot purchased Residential Parenting Assessments from three providers, however the aggregated value has exceeded EU procurement thresholds and has not enabled the Council to gain the best possible rates or drive up the quality of services.
7. In order to meet levels of anticipated demand whilst ensuring best value for money, the highest levels of quality and safety as well as meeting the requirements of the Public Law Outline, the Council is seeking to develop a formalised and efficient way of procuring Residential Parenting Assessment services through establishing a framework agreement.

Assessment of needs

8. A needs analysis carried out in February 2016 on Surrey families placed in a Residential Family Assessment Centre over the last three financial years shows that the number of Residential Parenting Assessments is increasing as is the length of time families are in their assessment placement. Consequently, spend has also increased:
 - In 2013/14 Surrey County Council (SCC) had 14 families in a Residential Family Assessment Centre at a total projected cost of just over £398k from the Placements budget. The average cost of a Residential Parenting Assessment in 2013/14 was £26,585.33
 - In 2014/15 SCC had 21 families in a Residential Family Assessment Centre at a total projected cost of just over £534k from the Placements budget. 75% of Residential Parenting Assessments during this financial year lasted up to 12 weeks. The average cost of a residential parenting assessment in 2014/15 based on projected spend was £25,456.80
 - In 2015/16 SCC had 31 families in a Residential Family Assessment Centre at a total cost of just over £1.2m from the Placements budget. 65% of Residential Parenting Assessments during this financial year lasted up to 12 weeks. The average cost of a Residential Parenting Assessment in 2015/16 was £38,348.
9. Further detail on the number of placements that were Court directed or were made as part of Surrey Children's Services care planning decisions prior to care proceedings can be found in the part 2 report.
10. The increase in the number of Residential Parenting Assessments can be attributed to the scrutiny required of care plans by case law and a national significant increase in the number of cases in care proceedings. Surrey is experiencing an increase in applications in accordance with the national trend.

11. Traditionally, Residential Parenting Assessments are up to 12 weeks long and evidence from these is submitted to Courts in care proceedings primarily to safeguard children and inform future care plans and decision making. However, the length of the assessment is determined by the needs and circumstances of the family identified by Children's Social Care staff, the Family Courts and the Residential Family Assessment Centre provider. Moreover, some providers may accommodate families for one week prior to the assessment beginning to ensure that the family is settled in.
12. A review of the provider market identified that there are a small number of registered Family Assessment Centre suppliers who provide Residential Parenting Assessments and, consequently, it is a specialised market. There are no Residential Family Assessment Centres in Surrey or neighbouring council's to the west of the county – providers used by Children's Services in the 2015/16 financial year are based in London Boroughs:
 - Jamma Umoja – based in Bromley (London Borough of Bromley) and South Croydon (London Borough of Croydon)
 - St Michael's Fellowship – Balham (London Borough of Wandsworth), Streatham and Herne Hill (London Borough of Lambeth)
 - Grange Park Parenting – Thornton Heath (London Borough of Croydon). The Ofsted Inspection Report website states that this provider is now closed; no closure date is supplied.

Outcomes to be achieved

13. All Residential Family Centres are required to conduct themselves under the Residential Family Centres National Minimum Standards and Residential Family Centres Regulations 2002 which form the basis of the regulatory framework under the Care Standards Act 2000.
14. There are 12 National Minimum Standards which focus on achievable outcomes for Residential Family Centres to provide for families. The standards are issued for use by Ofsted who must take them into account in regulating and inspecting Residential Family Centres.
15. These outcomes and any changes to them will be monitored through the lifetime of the framework to ensure that providers are delivering a high quality, child-centred service, based on the family's individual needs, in a safe and comfortable setting.

Options analysis

16. A number of options were considered when completing the Strategic Procurement Plan prior to commencing the procurement activity. These were:

Option 1	Do nothing and continue with spot purchasing
Option 2	Block contract with one supplier
Option 3	Establish a Surrey Framework Agreement
Option 4	Join another local authority's Framework Agreement
Option 5	Establish a collaborative with other local authorities to tender

17. A comparison was carried out in relation to neighbouring local authorities' use of and purchasing arrangements in relation to Residential Parenting

Assessments. Findings show that neighbouring local authorities are low level users of Residential Parenting Assessments. None of SCC's neighbouring local authorities have a Framework in place that the Council could make use of. Additionally, there is limited interest from other local authorities to join SCC in establishing a Residential Parenting Assessments Framework recognising that the numbers of Residential Parenting Assessments they purchase is low. Please see Annex 1 attached to this report for detailed findings of the comparison.

18. Changes to UK procurement regulations in 2015 means that option 1: 'do nothing' is not a viable option. The risks of not putting in place a framework are that the Council would be non-compliant with EU and UK procurement regulations, no agreed costs means providers could charge the Local Authority different rates and it would be challenging to drive up the quality of services.
19. Following this options appraisal it was decided that establishing a Surrey Residential Parenting Assessments Framework was the preferred option as this demonstrated best value for money and would enable us to ensure high quality services. The advantages of this option are:
 - The Local Authority would only be paying for the services it uses as there is no guarantee of demand under a Framework Agreement.
 - Effective contract management as providers will be required to comply with SCC's quality standards and minimum service standards.
 - Agreed costs with providers for the assessment and any additional costs.
 - Children's Services is able to identify a provider who has an available placement, at agreed costs and meets individual the needs of the child and their family.
20. Residential Parenting Assessments are one of the methods available to local authorities and the Courts to inform assessments of parenting capability to support long term planning. Others include community based assessments or parent and child foster placements. However, a parent and child foster placement may not be appropriate for some families, for example, when parents have learning disabilities, there has been substance misuse, mental ill-health or intimate partner violence, chaotic lifestyles and poor accommodation or homelessness through being found intentionally homeless. These family circumstances and histories are considered to be too high risk for a community based assessment and parent and child foster placement.
21. Recognising the increase in demand over the past few years, Children's Services is exploring how it can reduce commissioning of Residential Parenting Assessments when it is appropriate to do so. These include: improving social work practice and social work assessments put before the Court, the Safer Surrey approach, engaging with the Local Family Justice Board and utilising other parenting assessment models.
22. The Safer Surrey approach to social work practice has established a framework to help identify risk and protective factors. Through the Safer Surrey approach, using a practice model of Signs of Safety, social workers will produce better assessments that are more clearly evidenced helping families to understand the changes that they need to make and what the implications may be if these changes are not met in order to safeguard and promote the welfare of the child. This should see social workers feeling more expert and therefore being seen as

an expert. Families will be given opportunities to make changes and these will be well documented, therefore when going to Court for Orders the Local Authority can clearly evidence the work that has been undertaken, the worry that continues because of lack of change and what needs to be different in order to safeguard the child. This will also mean that families are supported earlier and so the right cases are taken into Court.

23. Safer Surrey, in conjunction with the revised Quality Assurance Framework; practice guidance and practice workshops that are underway in Surrey, will improve social work practice through providing clarity about standards and expectations of social workers. In turn, this will build confidence among the social care workforce in their skills and for them to be seen as experts. Consequently, this, together with early help transformation and a new parenting offer, should reduce demand for Residential Parenting Assessment services over the next four years.

Procurement

24. A project group was established, with membership made up of representatives from SCC's Legal Services, Procurement, Finance, Children's Placements Team, Child Protection Teams and Children, Schools and Families Commissioning and Prevention Service. This group provided ideas and feedback into the options appraisal and business case for the project, developed the service specification and were involved in supplier events to raise awareness of the intention to go out to tender with the market place.
25. This report recommends that a framework for the provision of Residential Parenting Assessments commence on 1 May 2017 and is awarded to the suppliers for Lot 1 in Part 2 of this report. The detail in the Part 2 report demonstrates why the recommended contract award delivers best value for money for SCC.
26. The Council reserves the right to add additional providers to the Framework through a further Invitation to Tender process. This process can be undertaken at the Council's discretion throughout the four-year period of the Framework Agreement. This will allow SCC to secure providers for Lot 2 of the Framework.

Use of e-Tendering and market management activities

27. Prior to the publishing of the tender documents the market was simulated by holding two supplier events on the 20 September 2016 and 6 October 2016. This enabled suppliers to see a draft copy of the specification and to ask questions about the proposed service provision. This proved to be successful as suppliers provided constructive feedback which was then factored into further drafts of the specification.

Key Implications

28. By awarding a Framework Agreement for the provision of Residential Parenting Assessments, the Council will be acting in accordance with its Procurement Standing Orders and with the Public Contracts Regulations, ensuring the delivery of safe and appropriate Residential Parenting Assessments.
29. There are four key performance indicators that will be monitored at regular contract meetings. These are:

KPI	Target
Significant concerns are reported to Surrey Children's Services.	100%
Written report of any significant concerns are submitted to Surrey Children's Services within 24 hours.	100%
All Local Authority reports are submitted as per the timescales set out in the service specification.	100%
All Court reports are submitted as per the timescales set out in the service specification.	100%

30. The Invitation to Tender document states that the Council reserves the right to 'call off' from the framework in the following way:
- Through direct award without re-opening competition. If awarding services without re-opening competition, the Council reserves the right (at its absolute discretion) to award to any of the Providers appointed to the Framework for the relevant Lot, based on: suitability/ matching for the family, availability and cost.
31. The management responsibility for the framework agreement lies with SCC.
32. The Framework Agreement has been tendered based on historical spend and is anticipated to be £4.8m over the proposed term of four years.
33. SCC can re-open the Framework throughout the four year period to allow other potential providers to submit a bid. Potential providers will be awarded a place on the Framework if they meet SCC's requirements.
34. The Framework providers will be flexible in accepting referrals from SCC where same day placements or short notice placements need to be made.

Competitive Tendering Process

35. This tender process was run under the Light Touch Regime. The tender was divided into two Lots:
- Lot 1 - Providers located in London and the South East
 - Lot 2 - Providers located outside of London and the South East, in England
36. Suppliers had 30 days to submit a response via the SCC e-tendering system, Intend.
37. Nine providers registered an interest with two providers submitting a tender for Lot 1. No bids were received for Lot 2.
38. Both tenders were evaluated by representatives from key service areas against the following criteria and weightings. The results are shown in the below table.

Criteria	Weighting	Supplier 1	Supplier 2
Quality	70%	41.30%	46.90%
Price	30%	29.26%	30%
Total	100%	70.56%	76.90%

CONSULTATION:

39. Two provider events were held in September 2016 and October 2016 prior to the issue of the invitation to tender, to stimulate interest in this opportunity and help attract current and new providers to tender. The South East Shared Service e-sourcing portal was used to ensure the procurement process was as efficient as possible and transparent for both providers and the Council.

RISK MANAGEMENT AND IMPLICATIONS:

40. The Framework Agreement includes relevant termination clauses which will allow the Council to terminate the Framework with three months' notice and to terminate the Individual Placement Agreement with seven days' notice without obligation to pay for any Services not yet provided should priorities change. In addition, immediate termination is possible if the service provider commits a breach of the terms of contract or the provider at the time of the contract award, has committed an offence under the Public Contract Regulations 2015.
41. The Council successfully completed the standard financial checks on the two potential suppliers.
42. The following key risks associated with the contract and contract award have been identified, along with mitigating activities:

	Risk	Mitigating action
1.	Risk of procurement challenge from the non-successful bidders	<p>The original ITT and tender clarification responses were shared with the Tenderers (if deemed not commercially sensitive).</p> <p>The evaluation matrix was shared with the Tenderers and made public via the SE Shared Services Portal.</p> <p>Evaluation process has been overseen by Senior Category Specialist and Sourcing Specialist.</p> <p>There were no unsuccessful bidders (para 27 refers).</p> <p>10 day Alcatel period (standstill) will be adhered to.</p>
2.	Risk that budget is reduced over time	<p>In line with the nature of a Framework Agreement, there is no guaranteed volume of work and the Invitation to Tender made it clear to providers that the Council's diversion from care strategies should result in reduced demand for these services.</p> <p>Robust contract management arrangements will be implemented.</p>

Financial and Value for Money Implications

43. Funding for Residential Parenting Assessments is from the approved base budget for Placements and the four Child Protection Teams.

44. Putting in place a formal procurement solution will support the Council in managing the cost of services due to the certainty around price going forward.
45. The new contract will allow for effective contract management, reporting on key performance indicators and the service levels being delivered under the contract. This should also ensure quality of service.

Section 151 Officer Commentary

46. There is an existing budget for Residential Parenting Assessments and future costs are expected to be managed within this funding.

Legal Implications – Monitoring Officer

47. The procurement complied with the Public Contracts Regulations 2015 and with the Council's Procurement Standing Orders.
48. As part of the evaluation each tenderer was evaluated against a Method Statement and price. The evaluation established whether the potential supplier could perform the services required. The evaluation established best value.
49. The provision for Residential Parenting Assessments services is part of the Council's strategic requirement.

Equalities and Diversity

50. Under section 149 of the Equality Act 2010, Cabinet must comply with the public sector equality duty, which requires it to have due regard to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
 - advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it,
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
51. An Equalities Impact Assessment has been written and sets out the impacts of the recommendation on each of the protected groups. Mitigating actions have been identified for any potential negative impacts.

Other Implications:

52. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	See below
Public Health	No significant implications arising from this report.

Climate change	No significant implications arising from this report.
Carbon emissions	No significant implications arising from this report.

Safeguarding responsibilities for vulnerable children and adults implications

53. The terms and conditions of the contract stipulate that the provider will comply with the Council's Safeguarding Adults and Children's Multi-Agency procedures, Safer Surrey, any legislative requirements, guidelines and good practice as recommended by the Council. This will be monitored through the contractual arrangements.
54. The service will operate a child centred approach working with Children's Services and other partners where appropriate.

WHAT HAPPENS NEXT:

Action	Date
Cabinet decision to award (including 'call in' period)	Tuesday 6 April 2017
Contract Commencement Date	Monday 1 May 2017

55. Following the Cabinet decision, Procurement will send out successful award letters to providers.
56. Procurement, Children, Schools and Families Commissioning and Prevention Service and Children's Services will work closely with the successful providers to ensure a smooth transition from the current arrangements to the new framework agreement.
57. During the lifetime of the Framework, Surrey Children's Services will monitor providers to ensure they are meeting outcomes and supporting families in developing and improving personal outcomes. Providers are also required to demonstrate through contract monitoring that they are seeking feedback from families in placement and how this feedback is being used to further improve and develop services.
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Consulted:

Not applicable.

Annexes:

None

Sources/background papers:

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