

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CORPORATE PARENTING

20 JANUARY 2013

REPORT OF THE CORPORATE DIRECTOR – CHILDREN

REGIONAL COLLABORATIVE ADVOCACY PROJECT

1. Purpose of Report

1.1 This report is intended to:

- i. update members on the decision for Bridgend to procure the Statutory Independent Professional Advocacy and Independent Visiting services for children and young people independently of the Collaborative Advocacy Project.
- ii. inform members of any updates in relation to the progress on the procurement exercise of the Independent Professional Advocacy and Independent Visiting Service.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 The report links to the following corporate priorities:

- Working together to raise ambitions and to drive up educational achievements
- Working with children and families to tackle problems early
- Working together to help vulnerable people to stay independent
- Working together to tackle health issues and encourage healthy lifestyles

The statutory requirements upon local authorities to commission and make available independent professional advocacy for looked after children, children in need and care leavers' is established in statute within:

- Children Act 1989 (Sec 26A);
- Adoption and Children Act 2002;
- Children Leaving Care Act 2002.

2.2 The above suite of legislation places a statutory duty upon local authorities to commission and make available independent professional advocacy services for:

- all looked after children and young people 0-18;
- care leavers (up to the age of 24 if in full time education or have a disability);
- children and young people involved in the adoption process;
- children assessed as being 'in need'.

2.3 Further statutory duties upon local authorities to commission and make available independent professional advocacy services for children and young people in their area were also established within:

- Education (Wales) Measure 2011 (for children and young people with special education need);
- Secure Training Centre Rules 1998 (for young people in secure estate).

2.4 Further statutory duties upon local authorities to commission and make available independent visitor services for looked after children aged 0-18 who have little or no contact with their birth families is also established within the Children Act 1989 and was subsequently amended by the Children and Young Persons Act 2008.

2.5 The Children’s Commissioner’s review of Independent Professional Advocacy services for looked after children and care leavers ‘Missing Voices’ (May 2012) makes a number of key recommendations to local authorities. In undertaking his review the Commissioner invoked his legal powers.

2.6 The review was heavily critical of local authorities and Welsh Government in concluding that authorities were failing in their duties in relation to the provision of independent professional advocacy for the vulnerable groups for whom there is a duty.

3. Background

3.1 Since January 2012 the Council had been acting as lead commissioner and project manager to a regional multi agency collaborative commissioning project, which initially included five local authorities and two health boards:

- Bridgend County Borough Council (lead and project managers)
- Vale of Glamorgan County Borough Council
- Cardiff City Council
- City and County of Swansea Council
- Neath Port Talbot County Borough Council
- Abertawe Bro Morgannwg University Health Board
- Cardiff and the Vale University Health Board.

3.2 The audit of needs identified a number of gaps in current commissioned provision. The following outlines the groups of children and young people, involved with social services for which the authority has a statutory duty to commission and make available independent professional advocacy or independent visitor services and the current arrangements to meet these duties.

3.3 This shows that the Council is not currently meeting all of its statutory duties to children and young people in relation to independent professional advocacy.

Statutory duties relating to the commissioning of independent professional advocacy services	
Category of child/young person	Current arrangements to meet duty
All looked after children and young people 0-18	Currently commissioned service is not available to looked after children under the age of 10. Demand for the service has outstripped supply and the service operates a significant waiting list.

Care leavers (up to the age of 24 if in full time education or have a disability)	No contractual arrangements in place to meet this duty
Children and young people involved in the adoption process	No contractual arrangements in place to meet this duty
Children assessed as being 'in need' as per	No contractual arrangements in place to meet this duty
Children and young people with special education need	No contractual arrangements in place to meet this duty Some commissioning of support services to families of children with special educational need is undertaken (e.g. Parent Partnership Services) But no independent professional advocacy for children themselves.
Statutory duties relating to the commissioning of independent visitors services.	
Category of child/young person	Current arrangements to meet duty
Looked after children 0-18	No contractual arrangements in place Audit has revealed a very small number of spot purchasing arrangements of independent visitor services.

- 3.4 Incrementally, partners have withdrawn from the project for their own individual reasons, which resulted in just this Council and the City and County of Swansea partners remaining in November 2013.
- 3.5 With only two partners, it was considered that a joint collaboration was no longer considered a viable option for the following reasons:
- 1) The Council is not in a position to roll on the advocacy contract with the current provider as it expires on 31st March 2014 and there is no option within the contract for a further extension
 - 2) Continuing to pursue a joint contract is likely to result in delays to the procurement process, as agreement to the relevant documentation will need to be sought from the City and County of Swansea Council. Therefore, it is unlikely that a new contract would commence on 1st April 2014, putting the Council at risk of a delay in meeting its statutory duties for children and young people engaged with social services.
 - 3) As the collaboration would now only involve only 2 local authorities, it is unlikely that either authority would realise the cost savings they aimed to achieve from the Collaborative approach.

4. Current situation / proposal.

- 4.1 Based on the above reasons, the Council has made a decision to proceed on its own with the procurement of a comprehensive Independent Professional Advocacy service for all the statutory groups involved with children’s social services, and an Independent Visiting service for eligible children and young people, independently to the collaborative approach.
- 4.2 Approval to invite tenders has been granted under Delegated Powers.
- 4.3 The procurement exercise for this new contract commenced in December 2013.
- 4.4 It is anticipated that the procurement exercise will be completed by March 2014.
- 4.5 The Independent Professional and Independent Visiting Contract will be in place for 2 years with an option to extend for up to 12 months following successful evaluation during year 2.
- 4.6 The contract commencement date has been set for the 1st April 2014.

5. Effect upon Policy Framework& Procedure Rules.

- 5.1 There is no effect on the Policy Framework & Procedure Rules. The project will comply with the Council’s own Contract Procedure Rules and procurement legislation.

6. Equality Impact Assessment

- 6.1 A full equality impact assessment has been undertaken as part of the Collaborative Independent Advocacy Project.

7. Financial Implications.

- 7.1 The value of the Independent Professional Advocacy and Independent Visiting contract is anticipated to be £188,347 over 3 years. These costs will be met from existing budgets. A breakdown of contributions is shown below:

YEARLY CONTRIBUTIONS FOR SERVICE CONTRACT	
2014-2015	£59,271
2015-2016	£62,868
2016-2017	£66,207

8. Recommendation.

8.1 It is recommended that members:

1. Notes the reasons for the Council's decision to independently, rather than collaboratively, procure the Independent Professional Advocacy and Independent Visiting Services
2. Notes the progress that is being made in terms of the procurement of the Independent Professional Advocacy and Independent Visiting Service to ensure all eligible children and young people in Bridgend are able to access the service from 1st April 2014

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