

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

7 FEBRUARY 2023

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

MANAGED SERVICE – CHILDREN’S SERVICES

1. Purpose of report

- 1.1 The purpose of this report is to seek approval from Cabinet to directly award a ‘managed service’ contract to an independent organisation currently delivering the service in Bridgend County Borough Council’s (BCBC) Children’s Services, to ensure continuity in child safeguarding arrangements. Cabinet approval is being sought to suspend the relevant parts of the Council’s Contract Procedure Rules (CPRs) with regards to the requirement to re-tender the ‘managed service’ element of the contract detailed in this report.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council’s well-being objectives.

3. Background

- 3.1 In February 2022, a report was approved by Corporate Management Board (CMB) regarding the use of an external managed team service within the Information, Advice and Assistance (IAA) team, as part of a new interim structure within the service to create additional capacity to safeguard children in light of unprecedented levels of need and demand experienced by the service.
- 3.2 A team was sourced from Innovate Children and Young People’s Services (CYPS) through the Council’s agency provider contract with Pertemps, and the managed team service began in March 2022. The agreement was put in place for the service

to be provided for an initial 6 months, with the option to extend for an additional 6 months. This option to extend was approved, as per a paper that was presented to CMB on the 15th June 2022. The end date for this service is due to be the 17th March 2023.

- 3.3 When the arrangement was initially entered into in March 2022, significant recruitment challenges were encountered which were not anticipated by Innovate CYPS. This emphasises there would be a lead-in time to mobilise the service given the limited supply of experienced children's social workers available to work in this part of the service and willing to relocate to Bridgend to fulfil the contractual obligations. Any change in supplier would mean a significant risk of a gap in service provision which would mean the Council could not meet statutory duties and regulators would need to be immediately advised this is the case.
- 3.4 The Institute of Public Care (independent specialist consultancy working in partnership with the Social Services and Wellbeing Directorate) have advised that we need to continue to operate with the current level of capacity to ensure that the service is able to discharge its statutory duties in respect of safeguarding and child protection of children.
- 3.5 From a regulatory perspective, following a recent inspection conducted by Care Inspectorate Wales (CIW), feedback received acknowledged that whilst they are assured as to the stability of the IAA service at this time, retaining the structure enhanced by utilisation of a managed team was paramount for the ongoing safe practice, and subsequent assuredness from a regulatory perspective.

4. Current situation/proposal

- 4.1 Since the implementation of the Innovate managed team, advertising for permanent vacancies in IAA has been ongoing. At present, notwithstanding the additional team implemented in IAA, the vacancy rate remains high at 50%, which increases to 60% once absence is considered.
- 4.2 The market supplement application that was approved in early 2022 for specific Children's Services teams, which included IAA, has resulted in the service being able to compete with other local authorities. However, it has yet to show a benefit in increased levels of recruitment to any of these teams.
- 4.3 International recruitment of social workers has also begun. This process is ongoing and through the initial procurement agreement, is looking to bring in up to 20 social workers across social work teams, where Children's Services currently has 43.15 Full Time Equivalent vacancies in social work positions.
- 4.4 Recruitment of international social workers will be a longer-term solution, where concerns have also been raised as to whether international workers will be able to be placed within the IAA team due to information being received regarding police vetting rules stating an inability to have lived outside the UK for the previous 3 years. This is currently being investigated further. We have also increased the number of staff we support to undertake the social worker course to 8 per year, but the first 8 social workers will not qualify until 2025, where it is noted that there are also low numbers of non Local Authority-sponsored individuals on social work courses.

- 4.5 In the long-term, the fundamental outcome we are looking to achieve is for the team to be recruited and employed by BCBC, therefore negating the need for such an arrangement to be in place. However, due to the consistently challenging situation in respect of BCBC Children's Services recruiting and retaining social workers, it must be accepted that the lead-in for this longer-term plan is likely to take years as opposed to months. As such it is essential that short to medium arrangements can be entered into during this interim period, which provide sufficient stability and assurances for the team in place, and also the service area and BCBC generally, noting the precarious and sensitive situation the service is currently in.
- 4.6 Officers containing representation from a number of key areas, including Children's Services, Commissioning, Procurement and Legal have met to consider and risk-assess/appraise the short-medium term options for securing services beyond 18th March, where it is proposed that:
- The Social Worker element – which makes up over 90% of the contract value – is entered into directly with the existing service provider via a compliant national framework (ESPO 3S-22 – Strategic HR Services Lot 1E), and will be entered into in accordance with BCBC's Scheme of Delegation and CPRs
 - The Managed Service element – which provides the management oversight and quality assurance aspects of the service – is directly awarded to the incumbent provider, which requires Cabinet approval and is the basis of this report
 - Both of these arrangements are entered into for an initial 12-month period – with an option to extend by a further 12 months, and a further 12 months after that (3-year maximum term) – service requirements and funding permitting, with both arrangements having mirroring termination clauses
- 4.7 To ensure continuity and knowledge of the existing provider, it is proposed that Cabinet suspends the relevant parts of the Council's CPRs – requiring a competitive procurement exercise in accordance with the requirements of the Public Contract Regulations 2015 – and agrees to the awarding of the managed service contract to the current provider for a 12 month period from 18th March 2023, with an option for two further 12 monthly extensions, to provide maximum flexibility given the highly challenging market for permanent social work recruitment.
- 4.8 Cabinet needs to be aware that in agreeing the proposed extension of the existing contract with the current provider, the Council will be exposed to the risk of potential challenge from other providers of such services. The Council's CPRs ensure that procurement exercises are lawful and carried out in compliance with the Public Contract Regulations 2015 to satisfy principles of transparency, nondiscrimination and equal treatment. This report proposes the award of a contract without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the requirements of the Council's CPRs. However, the safeguarding risks of not being able to meet statutory duties are on the corporate risk register and consideration of the risks needs to consider the overall balance of risks to the local authority.

5. Effect upon policy framework and procedure rules

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPR's is being sought.

6. Equality Act 2010 implications

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 A summary of the Well-being of Future Generations (Wales) Act 2015 assessment is listed below:

Long-term As a result of timely interventions, children and their families are enabled to take control and responsibility and live independently without intervention from BCBC. Children and young people are supported to reach their full potential.

Prevention The IAA service is integral to the delivery of the early intervention and prevention agenda. By ensuring that there are services in place to meet need at the earliest possible opportunity there will be a reduction in the escalation of need.

Integration Multi-agency services are integrated within the Multi Agency Safeguarding Hub (MASH). Integration is key to service delivery.

Collaboration The model of working within MASH is focused on multi-agency partners working together to ensure that children and vulnerable adults are safeguarded. Services work together utilising a child centred approach that is focused in improving outcomes.

Involvement Engagement with those in receipt of services is central to the service delivery of the IAA service.

8. Financial implications

- 8.1 For the purposes of the continuance of the managed service contract to be entered into from 18th March 2023, costs quoted by the provider for the Managed Service element are £97,538 per annum – which is a total contract value of £292,614 over the maximum 3-year duration.
- 8.2 Funding for the continuation of the Managed Service will come from repurposing existing directorate earmarked reserves, as well as consideration of use of the Welsh Government Social Care Workforce Grant.

9. Recommendations

- 9.1 It is recommended that Cabinet:

- approves the continuance of the managed service with the current service provider Innovate Children and Young People's Services;
- suspend the relevant parts of the Council's CPR's in respect of the requirement as to re-tendering of the proposed contract; and
- delegated authority to the Corporate Director – Social Services and Wellbeing, in consultation with the Chief Officer – Finance, Performance and Change and Section 151 Officer, and Chief Officer – Legal & Regulatory Services, HR & Corporate Policy, to enter into a contract for the Managed Service for a 12 month period from 18th March 2023, with an option to extend by a further two 12 month periods (maximum 3-year duration) provided that the exercise of any such extension option be subject to the prior approval by the Cabinet/Corporate Management Board and consultation with Scrutiny Chairs.

Claire Marchant
Corporate Director – Social Services and Wellbeing Directorate
February 2023

Contact officer: Laura Kinsey
Head of Children's Services

Telephone: (01656) 642314

Email: laura.kinsey@bridgend.gov.uk

Postal address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents: None