

CABINET

16 March 2021

Title: Provision of a Children's Out of Hours Emergency Duty Service	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Valerie Tomlinson, Lead Commissioner for Children's Care and Support. Services	Contact Details: E-mail: valerie.Tomlinson@lbbd.gov.uk
Accountable Director: April Bald; Operational Director Children's Care and Support	
Accountable Strategic Leadership Director: Elaine Allegretti; Director of People and Resilience	
Summary	
<p>There is a statutory duty for Local Authorities to provide a 24-hour, seven day per week service to safeguarded children and young people and respond to immediate risks of harm.</p> <p>Since 2014, the London Borough of Redbridge has delivered the Children's Emergency Duty services, that operates out of hours, on behalf of the London Boroughs of Havering (LBH), Barking & Dagenham (LBBB), Waltham Forest (LBWF). As it is a Shared service, it is not subject to Public Contracts Regulation 2015, it does not need to be competitively tendered.</p> <p>In 2017, agreement was reached, following a report being presented to the Health and Wellbeing Board (HWBB), to enter a further three-year partnership agreement for the shared Children's Emergency Duty service until 31 March 2020.</p> <p>The HWBB report outlined that consideration would be given to establishing a single Adult and Children's Emergency Duty Service in the London Borough of Barking and Dagenham, post contract expiry on 31 March 2020. As the Adult's Emergency Duty Service contract, with NELFT, was also due to end in March 2020, this presented a good opportunity to consider if there were increased benefits to be obtained in merging the two services.</p> <p>Since the HWBB report was presented in 2017, significant development and improvement in the shared Children's Emergency Duty service has occurred, resulting in Ofsted recognising it as a highly effective service. Audit activity evidenced a 100% compliance in response to referrals within 30 minutes. The service has responded well in managing the increased complexity of cases associated with criminality and exploitation and maintains robust safeguarding measures.</p> <p>In 2019, Adult Social Care extended their Emergency Duty service contract with NELFT to 31 March 2021.</p>	

As a result of these developments, the option of establishing a single Adult and Children's Emergency Duty service by March 2020, was not considered a favourable way forward. There too was the risk of destabilising the shared Children's Emergency Duty service and the negative impact this may have had on Barking and Dagenham's Children's Care and Support services, who were at the time were undergoing a restructure and prioritising service improvement in response to the Ofsted findings in February 2019.

The COVID pandemic and the lockdown measures applied in March 2020, also required the shared Children's Emergency Duty service and Barking and Dagenham's Children's Care and Support to galvanise their efforts in safeguarding and protecting vulnerable children and families impacted by the virus and lockdown measures.

As a result of these developments, a further three-year contract for the shared Children's Emergency Duty service was entered into during the COVID pandemic, for which this report is seeking retrospective agreement for. The three-year contract commenced on 1 April 2020 and ends on 31 March 2023.

Recommendation(s)

The Cabinet is recommended to grant retrospective approval for the Council to enter into a three-year contract for the delivery of the four-borough Children's Emergency Duty service from 1 April 2020 in accordance with the strategy set out in the report.

Reason(s)

To assist the Council to achieve its priorities of 'Participation and Engagement' and 'Prevention, Independence and Resilience'.

1. Introduction and Background

- 1.1 The Council has a statutory duty to provide an Out of Hours Emergency Duty service, to safeguarded children and young people and respond to immediate risks of harm.
- 1.2 In 2017, the Health and Wellbeing Board (HWBB) approved entering into a three-year partnership agreement for the delivery of a Children's Emergency Duty service, delivered by the London Borough of Redbridge, on behalf of the London Boroughs of Havering (LBH), Waltham Forest (LBWF) and Barking and Dagenham (LBBD). The agreement commenced on 1 April 2017 and expired on 31 March 2020.
- 1.3 The HWBB report outlined that consideration would be given to establishing a single LBBD Adult and Children's Emergency Duty Service, post contract expiry on 31 March 2020, as the Adult's Emergency Duty Service contract with NELFT was to also due to end in March 2020.
- 1.4 It is essential that an Emergency Duty service is of good quality and is integrated with the work of the Council's Children's Care and Support teams and related IT systems and offers value for money. The shared Children's Emergency Duty service does meet these requirements.

- 1.5 Since 2017, significant development and improvement in the shared Children’s Emergency Duty service has taken place, resulting in Ofsted recognising it as a highly effective service following their inspection of Redbridge in 2019. The service has responded well to managing the increased complexity of cases and maintaining robust safeguarding measures. The service responded swiftly in the implementation and compliance with the Home Office Concordat as to Children in Custody, working effectively with all partners in doing so.
- 1.6 In 2019, Adult Social Care extended their Emergency Duty arrangements with NELFT to 31 March 2021.
- 1.7 As a result of the developments outlined in points 1.5 and 1.6 and the potential risks associated with destabilising the shared Children’s Emergency Duty service and the impact this would have on Children’s Care and Support, who in 2019 were undergoing significant change in implementing a new target operating model and prioritising service improvement in response to the Ofsted finding, no further consideration was given to the option of establishing an integrated Adult and Children’s Emergency Duty service in LBBDD.
- 1.8 The COVID pandemic and the lockdown measures applied in March 2020, required the shared Children’s Emergency Duty service and Barking and Dagenham’s Children’s Care and Support to galvanise their efforts in safeguarding and protecting vulnerable children and families impacted by the virus and lockdown measures.
- 1.9 A further three-year contract for the shared Emergency Duty service was entered into during the COVID pandemic, for which this report is seeking retrospective agreement for. The three-year contract commenced on 1 April 2020 and ends on 31 March 2023.

2. Service Delivery

- 2.1 The table below, highlights the number of contacts for each authority from April 2014 to March 2019. Overall, there has been an increase in the number of contacts from 2014 through to 2017, with numbers decreasing in 2017 to 2019.

Authority	2014/15	2015/16	2016/17	2017/18	2018/19
LB Waltham Forest	3,671	4,748	5,246	5,652	5,079
LB Havering	2,672	2,711	3,598	5,472	6,212
LB Barking & Dagenham	3,033	4,149	5,281	5,011	4,749
LB Redbridge	2,916	3,500	3,446	3,732	3,340
Other1	89	192	146	103	114
Total	12,381	15,300	17,717	19,970	19,494

- 2.2 The shared Emergency Duty service has responded in a timely way to referrals associated with absence from care, missing from care and child welfare concerns as shown below.

2018/19	LBBB	Havering	Redbridge	Waltham Forest	Total
Absent from care	1010	2235	643	1694	5582
Missing from care	1142	1329	472	645	3588
Child Welfare Concern	489	400	395	394	1678

2.3 At the end of March 2019, the shared Emergency Duty service started to receive contacts where the concerns were more complex such children being arrested for murder and other high- level crimes, criminal exploitation, and child sexual exploitation. This meant that although the number of contacts had slightly decreased from the previous year, in real terms the workload had increased due to the level of their complexity.

2.4 The shared Emergency Duty service continues to face significant challenge in arranging placements for children due to a lack of availability of provision and providers not always operating an out of hour referral line, however, many young people from LBBB are placed with in-house foster carers which makes the task much easier but for the remaining boroughs it can take hours to locate and agree a suitable placement.

3. Service Development

3.1 There has been several service developments and improvements made since 2017, enabling the shared Emergency Duty service to evidence its effectiveness.

3.2 The introduction of the Home Office Concordat on Children in Custody, in 2017, required Emergency Duty Social Workers to visit every child that is accommodated into Local Authority care and every child in custody where the police have requested secure or non-secure accommodation. This includes advocating for children of their behalf and supporting their release on bail, when charged. This has resulted in a significant increase in duties being placed on shared Emergency Duty service.

3.3 These new visiting arrangements are evidenced in a more robust and comprehensive quarterly performance report which is presented to the Emergency Duty service Board. The service has undertaken a high number of out of hours visits to children, young people, and their families during the last contract period. In 2017/18, 211 visits were made, in 2018/19, 228 visits were made and total visits for the year ending March 2020 was 314 visits. This is 86 more visits than the previous year and a 37.7% increase when compared to 2018/19.

3.4 A new audit process has been introduced which examines both detailed case work oversight and procedural adherence ensuring the service is efficient and effective. The audits have shown the shared Emergency Duty service achieving a 100% compliance with data protection and responding to referrals within the service timescale of 30 minutes. Furthermore, the audits found good case recording and evidence of management oversight.

3.5 In accordance the guidance issued by the Home Office concordat, the shared Emergency Duty service supported the Metropolitan Police (MET) in its

implementation by training several hundred police officers who worked in the custody suite.

- 3.6 In 2018 quarterly meetings were established with the police Detective Inspector for Custody and the Basic Command Unit Detective Inspector to review all cases where the police had requested secure and non-secure accommodation for children in custody. These meetings identified variance on thresholds of secure and non-secure accommodation requests being addressed. The Emergency Duty now ensured that only young people arrested for high-level crimes such as murder, manslaughter and rape are detained, and secure accommodation explored. For crimes such as possession of an offensive weapon / knife, robberies and possession of cannabis, the Emergency Duty service has advocated for these children to be bailed and returned home to extended families or placed in non-secure accommodation when a return home is an unsuitable option.
- 3.7 The most recent Redbridge inspection in 2019 graded the operational practice as outstanding. Ofsted stated: "The Emergency Duty service is highly effective, offering a well-supportive service to children and their families out of hours. It is child-focussed and it is appropriately challenging to other professionals when needed, for example, if a young person is held inappropriately in police custody. The flexibility of the service has been enhanced by a pool of support workers. This ensures that children are accompanied to placements without delay."
- 3.8 Waltham Forest and Barking and Dagenham received an inspection in 2019, the former achieving a rating of 'Good' and the latter 'Requires Improvement'. Ofsted commented that in Waltham Forest "Children and young people receive appropriate support and intervention from an effective out-of-hours emergency duty team service" and for Barking and Dagenham "A well-resourced and experienced emergency duty team ensures that effective arrangements are in place and that protective action is taken to safeguard children out-of-hours". Havering were inspected in 2018 receiving an overall rating of Good. The feedback was "children receive appropriate support and interventions from the out-of-hours emergency duty team."
- 3.9. The other key benefits that the shared Emergency Duty service are listed below:
- Economies of scale and reduced costs, as outlined in section 5 of this report.
 - Reduced/shared management costs.
 - Joint training/induction.
 - More permanent staff and sessional/bank staff, reducing the cost and reliance on agency staff.
 - Improved screening resulting in fewer non-emergencies being passed to Children's Care and Support.

4. Decision timeline

- 4.1 Approval is needed from Cabinet to retrospectively ratify the three-year contract which commenced on 1 April 2020 and the table below outlines the dates in which this report has been circulated to all representative boards.

Activity	Completion Date
PRMG BAU	28th January 2021
Portfolio	2nd February 2021
Procurement Board Sub-Board	8th February 2021
Procurement Board	22nd February 2021
Cabinet	16th March 2021

5. Estimated Contract Value, including the value of any uplift

- 5.1 The funding model for the Children's Emergency Duty Service has been revised based on actual referrals. This has resulted in Barking and Dagenham's contribution reducing from 28% to 26% of the total contract value since April 1st, 2017.
- 5.2 The revised cost has been created using demand and usage data. The financial model / budget for the service going forward has been calculated on a proportionate contribution based on historical demand/usage (the contact rate) of the service between 2017-2020.
- 5.3 The cost of the service over the three-year period, is tabled below.

	Financial Contribution by Referral Volume		
	2020/21	2021/22	2022/23
Barking and Dagenham	£273,578.50	£279,659.43	£285,082.27

Total LBBB contribution: £838,320

- 5.4 The London Borough of Redbridge, has prepared a budget for the continued operation of the Children's Emergency Duty service to March 2023 based on all four boroughs agreeing to a new three-year contract. This is the structure for partner contributions:

	Financial Contribution by Referral Volume		
	2020/21	2021/22	2022/23
Waltham Forest	£280,944.07	£287,188.72	£292,757.57
Havering	£313,563.05	£320,532.73	£326,748.15
Barking and Dagenham	£273,578.50	£279,659.43	£285,082.27
Redbridge	£184,139.47	£188,232.49	£191,882.33
Total	£1,052,225.00	£1,075,613.28	£1,096,470.32

- 5.5 It is estimated that a 1% annual inflationary increase will be applied for staff, but each Local Authority will be notified as to this on an annual basis.

6. Duration of the contract, including any options for extension

- 6.1 The contract length is for 3 years from 31 March 2020 to 31 March 2023. The contract terms and conditions are the same as the pre-existing collaborative arrangement between the four boroughs. There are no options to extend.
- 6.2 The contract is considered a 'light touch regime contract' under current procurement legislation therefore it is not subject to the (EU) Public Contracts Regulations 2015

7. The contract delivery methodology and documentation to be adopted

- 7.1 There is a service specification and contract that all three London Boroughs have signed up to that outlines the requirements of the service that is to be delivered by the London Borough of Redbridge.
- 7.2 The service is contract managed through the Emergency Duty Service Board, who has senior representation from each Local Authority, who meet on a quarterly basis and review all quarterly performance data.

8. Criteria against which the tenderers are to be selected and contract is to be awarded

- 8.1 Not applicable.

9. How the procurement will address and implement the Council's Social Value policies

- 9.1 Not applicable

10. Contract Management methodology to be adopted

- 10.1 Service performance will be monitored via quarterly meetings of the Governance Board to determine whether the service is working to the satisfaction of all parties. This meeting will determine if key performance indicators/service requirements are being met and seek ways of resolving any issues of under or poor performance.
- 10.2 The last of the quarterly meetings in each accounting period will be used as a formal annual review of the service at which the Emergency Duty Service Manager will present an annual report on the work of the Children's Emergency Duty service.
- 10.3 Performance reporting is provided by Redbridge via the Emergency Duty service recording log within a sub system of the protocol ICS used by Redbridge. The data will be used to report performance to the governance board and will include the following:
- Number of contacts received by EDT.
 - No of cases where children were (not) known to the Local Authority.
 - Number of cases received at different times of evening/weekend.
 - Reason for case referral.
 - Source of case referral.
 - Number & percentage of Children recorded as Missing and Absent.

- Number of Children Accommodated and whether they were seen by EDT.
- Number of Children taken into Police Protection.
- Number of children requested to be accommodated under PACE.
- Number of children requested to be accommodated in a Non-Secure Accommodation.
- Number of children at risk of Child Sexual Exploitation.
- Number of referrals due to homelessness/ NRPF.
- Number of Unaccompanied Asylum seekers.
- Number of times the Practice Manager / Back up Manager was called.
- Number of Out of Hours Strategy Discussions taking place.
- Number of Children visited and seen.
- Reasons for referral.

11. Options Appraisal

11.1 No other options were considered for the following reasons:

- Continuity of Service.
- No redundancy costs or TUPE process.
- Minimises disruption and the costs associated with procuring a new service.
- The existing service is well integrated with the Children's Care and Support services provided in LBBB.
- Enables LBBB to secure a known provider with a known level of support and performance.
- Staffing is now stable without the use of agency staff.
- Provides reasonable consistency for the existing service.

12. Waiver

12.1 Entering this contract would ensure the agreement between the four boroughs would be mandated to perform the service to the Council's standards at a guaranteed cost. There is minimal risk that this process would/could be challenged.

13. Consultation

13.1 Not applicable.

14. Corporate Procurement

Implications completed by: Euan Beales, Head of Procurement

14.1 The report outlines the need to provide the Out of Hours EDT Service is a mandatory requirement under current legislation, and as such falls under the remit of Light Touch.

14.2 The staffing and management of the service will be the responsibility of LB Redbridge and as such this is deemed to sit outside of PCR2015.

14.3 It should be noted that there is not an option to extend and as such the requirements will need to be re-established if an alternative shared arrangement is

to be provided or allow such time to re-establish a Council service or procure a service. At this point an consolidated service should be reviewed with ASC.

- 14.4 Based on the information contained within this report I cannot see any reason not to approve the recommendations as made.

15. Financial Implications

Implications completed by Murad Khan (Group Accountant)

- 15.1 The EDT service is required to fulfil the statutory requirement of providing an emergency out of hour's social work service for children & Adults, amongst other responsibilities.
- 15.2 The proposed option is a 3-year extension of the existing 4 borough service that has enabled the authorities to renegotiate the rates and provide a significant saving on the current annual cost of the contract.
- 15.3 As well as saving money, continuing with the existing arrangement ensures minimal disruption, stability and avoids costly procurement and TUPE arrangements. The 4 borough partnerships also keep the economies of scale that would otherwise not be achievable in a in house or single borough contract.
- 15.4 There is sufficient budget to fund this contract, as the cost is less than what was paid in previous years, however it must be noted that the care and support budgets continue to remain in significant pressure and the service should ensure any uplifts or extensions are contained within the existing budget envelope.

16. Legal Implications

Implications completed by Tessa Odiah – Interim Snr. Contracts Solicitor (Law & Governance)

- 16.1 The report is seeking the approval of the Council to procure and enter into a new shared service arrangement for the provision of out of hours emergency services for Children's Social Services with the London Boroughs of Redbridge, Waltham Forest and Havering for the delivery of the four-borough Children's Emergency Duty Team.
- 16.2 The report states that the request for a Waiver to enter this EDT Service is on the grounds of Contract rule 6.6(h); that there are other circumstances which are genuinely exceptional. As this is a Collaboration Agreement with the other 3 Boroughs, this Service is required for accomplish the statutory requirement and providing emergency out of hour's social work service for children & Adults, amongst other social care responsibilities.
- 16.3 The procurement of this Service is via the 'light touch regime' which is compliant with the procurement requirement for this type of Service.
- 16.4 The contract term is 3 years, with no option to extend, from 31 March 2020 to 31 March 2023, as this is the date that the current existing collaborative arrangement with the four Boroughs would expire.

16.5 Therefore, the proposals set out in this report would appear to be legally permissible.

17. Other Implications

- 17.1 **Risk and Risk Management** - If the retrospective waiver is not agreed the implications are that if one or more Authority withdraws from this Agreement that these savings or efficiencies may be reduced or the price of the shared Emergency Duty service to the remaining Authorities increases.
- 17.2 The Authorities have agreed that they will not seek to withdraw from the service either in whole or in part during the first Year of this Agreement.
- 17.3 There are no procurement implications for this partnership agreement, as under the Public Contracts Regulations 2015 ("PCR 2015") an exemption has been provided for contracts which establish or implement co-operation between contracting authorities.
- 17.4 The partnership agreement has been specifically tailored to ensure that aspects such as monitoring, accountability and collaboration for effective functioning of the Children's Emergency Service, are all addressed. The London Borough of Barking and Dagenham is represented on the four-borough Emergency Duty Service Board.
- 17.5 The performance monitoring of the service has been effectively managed. This has supported a continuous improvement in quality during the contract period.
- 17.6 **Corporate Policy and Equality Impact** - The current service is delivered from two location hubs Barking and Dagenham and Havering (hub 1) and LBR and LBWF (hub 2). The potential for one hub to cover the other when multiple and/or prolonged emergencies arise results in a more resilient service and improved outcomes for service users.
- 17.7 According to the EDT performance reports the monitoring of cases and follow-up is well documented in the report. Children's Care and Support professionals in LBBD report that the EDT is functioning well and that work with service users is effective.
- 17.8 **Safeguarding Adults and Children** - The Children Act 1989 requires Local Authorities to provide services for children in need for the purposes of safeguarding and promoting their welfare. The shared Emergency Duty service is required to adhere to the duties under the Children Act 1989 and all the Council's local safeguarding procedures. These are explicitly addressed within the service specification that forms a schedule of the contract that has been scrutinised by the Council's Legal Department.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None