

CABINET

21 March 2023

Title: Partnership Agreement for the Provision of a Children's Out-of-Hours Emergency Duty Service	
Report of the Cabinet Member for Children's Social Care and Disabilities	
Open Report	For Decision
Wards Affected: All	Key Decision: No
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Accountable Director: April Bald; Operational Director Children's Care and Support	
Accountable Strategic Leadership Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary: <p>There is a statutory duty for Local Authorities to provide a 24-hour, seven day per week service to safeguard 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 service 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 and does not need to be competitively tendered.</p> <p>In 2017, agreement was reached, following a report 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>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 ending on 31 March 2021. Adult Social Care has since extended its contract until 1 August 2026.</p> <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</p>	

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. The three-year contract commenced on 1 April 2020 and will end on the 31 March 2023.

This report recommends that the current arrangements should continue, and a new three-year agreement is entered into by the four boroughs to run from 1 April 2023 for three years ending 31 March 2026. The service will continue to be managed and delivered by Redbridge Council on behalf of the four boroughs.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree that the Council enters into a new three-year partnership agreement with the London Boroughs of Redbridge, Havering and Waltham Forest for the provision of a Children's Out-of-Hours Emergency Duty service for the period 1 April 2023 to 31 March 2026, in accordance with the strategy set out in the report: and
- (ii) Delegate authority to the Strategic Director, Children and Adults, in consultation with the Chief Legal Officer, to enter into the necessary contract and any other agreements to affect the proposals.

Reason(s)

To assist the Council to achieve its statutory responsibilities and its priority of '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 safeguard children and young people and respond to immediate risks of harm.
- 1.2 In 2017, the Health and Well-Being 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 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.

- 1.4 A further three-year contract for the shared Emergency Duty service was entered into during the COVID pandemic, this commenced on 1 April 2020 and ends on 31 March 2023.
- 1.5 Since 2019, significant development and improvement in the shared Children's Emergency Duty service has taken place, resulting in Ofsted recognising it 'as a well-resourced and experienced emergency duty team which ensures that effective arrangements are in place and that protective action is taken to safeguard children out-of-hours. The team operates across four boroughs, with a dedicated social work team. Communication with day services is swift and effective.
- 1.6 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.
- 1.7 The four borough Emergency Duty Team board has discussed extending the current arrangements through a new 3-year agreement. LBH, LBBB and LBWF have indicated that they wish to continue with the arrangement and enter into a new 3-year agreement.
- 1.8 This report recommends that the current arrangements should continue, and a new three-year agreement is entered into by the four boroughs to run from 1 April 2023 for 3 years to 31 March 2026.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured

- 2.1.1 The EDT service has a full-time service manager, service coordinator, data officer, two practice managers and six senior practitioners.
- 2.1.2 The service also utilises a staff bank of twelve senior practitioners and three practice managers who undertake shifts to cover sickness, annual leave and other absences.
- 2.1.3 The service is delivered from 5.00pm – 9.00 am on weekdays and throughout weekends and bank holidays.
- 2.1.4 There is a standardised service across the four boroughs. The service is delivered from two location teams covering Barking and Dagenham and Havering (Team1) and Redbridge and Waltham Forest (Team 2).
- 2.1.5 Redbridge is authorised to discharge all the executive functions which an EDT service may need to deliver. This includes duties arising from s17 children in need arrangements and s20 looked after children's arrangements. The arrangements do not absolve the authority concerned of any statutory duties that might arise, nor

does it prevent that authority's workers from exercising those functions should the need arise.

2.1.6 Clear processes and procedures are in place for service delivery. There are two senior practitioners on duty each night or day as appropriate, with each being responsible for one team. Referrals are received via the boroughs' out of hours call centres and are received via secure email into a generic inbox. The senior practitioners respond to the referrals for their team and respond in line with the process and procedures.

2.1.7 The social care record is updated for each referral on the relevant borough's Integrated Children's System (ICS). Additionally, a record of all referrals received and the response for all four boroughs is updated on the Redbridge ICS. This means that uniform data is available for reporting and planning purposes for the service.

2.2. **Estimated Contract Value, including the value of any uplift or extension period**

2.2.1 The estimated cost of the three-year contract are set out below (figures for the other boroughs have been provided by Redbridge).

Financial Contribution based on estimated volume			
	23/24	24/25	25/26
	£m	£m	£m
Waltham Forest	0.280	0.262	0.263
Havering	0.313	0.280	0.314
Barking & Dagenham	0.299	0.305	0.312
Redbridge	0.184	0.254	0.270
Total	1.076	1.101	1.159
Overspend / Underspend Figure	-0.031	0.015	0.000
Total Cost of Service	1.045	1.116	1.159

2.3. **Duration of the contract, including any options for extension**

2.3.1 Three years with no option to extend.

2.4. **Is the contract subject to (a) the Public Contracts Regulations 2015 or (b) Concession Contracts Regulations 2016? If Yes to (a) and contract is for services, are the services for social, health, education or other services subject to the Light Touch Regime?**

2.4.1 No.

2.5 **Recommended procurement procedure and reasons for the recommendation**

2.5.1 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.

2.5.2 This report recommends that the current arrangements should continue, and a new three-year agreement is entered into by the four boroughs to run from 1 April 2023 an agreed for 3 years to 31 March 2026. The service will continue to be managed and delivered by Redbridge Council on behalf of the four boroughs.

2.6 The contract delivery methodology and documentation to be adopted

2.6.1 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.

2.6.2 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.

2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract

2.7.1 The table below shows the number of contacts for each authority from April 2014 to March 2022. The reduction in the number of contacts in the financial year ending 2021, is understood to be due to the impact of the Covid pandemic.

Figure 1: Number of contacts

Authority	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Waltham Forest	3,671	4,748	5,246	5,652	5,079	4,340	4,043	4,083
Havering	2,672	2,711	3,598	5,472	6,212	5,143	4,327	4,878
Barking & Dagenham	3,033	4,149	5,281	5,011	4,749	5,190	4,285	4,422
Redbridge	2,916	3,500	3,446	3,732	3,340	2,922	3,929	4,188
Other ¹	89	192	146	103	114	162	208	150
Total	12,381	15,300	17,717	19,970	19,494	17,757	16,792	17,721

2.7.2 The EDT service responds to urgent requests and the top four reasons for contacts are; absence from care, missing from care, requests for information and child welfare concern as shown below.

¹ These are contacts received for children from other local authorities

Figure 2: Top Reasons for contact April 2021 – March 2022

	Barking & Dagenham	Havering	Redbridge	Waltham Forest	Total
Missing from Care	1,253	1,299	1,220	1,228	5,000
Absent from care	756	1,337	728	1,159	3,980
Request for Information / Advice	542	568	653	422	2185
Child Welfare Concern	313	359	352	278	1,302

2.7.3 In the year end March 2019, the EDT service started to receive contacts where concerns were more complex. Contacts included children being arrested for criminal activity and criminal and sexual exploitation. Contacts also included high level crimes and on occasion, suspected murder. This means that although the annual figures have been lower since March 2019, the workload has increased as cases require more input.

2.7.4 The EDT service continues to face significant challenges in arranging looked after placements for children due to a lack of availability. Barking and Dagenham have their own in-house foster carers service, which makes the task easier but for the remaining three boroughs, it can take a number of hours to locate and agree a suitable placement. The task is made more difficult by the increasing needs and risk posed by the young people which makes some accommodation unsuitable.

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

2.8.1 Not applicable.

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

2.9.1 Not applicable.

2.10. Contract Management methodology to be adopted

2.10.1 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.

2.10.2 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.

2.10.3 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 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

3. Ofsted

- 3.1 Ofsted inspections have taken place in all four boroughs over the last four years. The Redbridge inspection in 2019 graded the operational practice as outstanding. Ofsted stated, “The EDT 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.”
- 3.2 In June 2022 Redbridge received a focused visit of the front door which included a review of the EDT service. The visit confirmed that a high-quality service has continued to be provided. Ofsted commented that “The out-of-hours service is an integrated part of the front door. It is managed by Redbridge on behalf of three neighbouring boroughs, with discrete arrangements for each borough. The work undertaken out of hours for Redbridge is timely and proportionate to children’s and families’ needs. The information gathered and action taken are quickly relayed to daytime services, ensuring a smooth transition of work into the MASH service.”
- 3.3 Waltham Forest and Barking and Dagenham received an inspection in 2019, with ratings of ‘Good’ and ‘Requires Improvement’ respectively. 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 and received an overall rating of Good. The feedback was “children receive appropriate support and interventions from the out-of-hours emergency duty team.”

4. Service Development

- 4.1 There have been several service developments since the start of the service in 2014.
- 4.2 EDT social workers visit every child that is accommodated into Local Authority care, every child in police custody before midnight, joint section 47 enquiries that are initiated out of hours, welfare visits to provide families with section 17 support and looked after children who have been missing for a significant period of time who suddenly return.
- 4.3 These visiting arrangements are evidenced in a comprehensive quarterly performance report which is presented to the EDT Board. It is worth noting that the EDT service has significantly increased its visits to children and their families in recent years. This is mainly due to the increase in referrals relating to children in police custody. The table below shows the rise in the numbers from 2017 onwards.

Figure 3: EDT Visits to Children and families

	2017/18	2018/19	2019/20	2020/21	2021/22
Visits undertaken by the EDT Service	211	228	237	478	625

- 4.4 An audit process was introduced which examines both case work management and procedural adherence ensuring the service is efficient and effective. The service undertook two audits in the current contract period. The first audit was published in July 2020 and the second in September 2021. Both audits carried out a dip sample of 108 cases which focused on the operational processes and social work practice, with the 2021 audit also examining the impact of the Covid pandemic. The audits have shown that the EDT service is fully compliant with data protection requirements and staff work in line with the process and procedures to respond to all EDT enquiries within 30 minutes. Furthermore, the audits found that there was good case recording and evidence of good management oversight.
- 4.5 In October 2017, the Home Office published a Concordat on children in custody, under the Police and Criminal Evidence Act 1984. The Concordat provides guidance for police forces and local authorities in England on their responsibilities towards children in custody. The Concordat aims to clarify the legal and statutory duties of the police and local authorities and is intended to prevent the unnecessary detention of children in police stations following charge.
- 4.6 The EDT service supported the Metropolitan Police with implementation of the Concordat by providing training for several hundred police officers who worked in the custody suite.
- 4.7 In 2020, the EDT service started participating in the pilot programme Operation Harbinger. This aims to ensure the police provide Local Authorities with early notification of children in police custody, so that they comply with the Concordat. Both daytime children's social care and EDT are now able to provide support for children in custody more quickly.

4.8 The children in custody data shows an increase in the number of children arrested within the 4 boroughs. In 2019 the service started collating the data on children in police custody in quarter two. When comparing Q2, 2019/20 to Q2 2021/22 the service has seen an increase of 174%. As mentioned previously, this has contributed to an increase in the complexity of cases and workload.

Figure 4: Children in Police Custody

	2019/20			2020/21				2021/22			
	Q 2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
LBWF	18	16	27	23	58	56	66	75	71	45	51
LBH	16	17	18	44	28	36	36	50	31	39	32
LBBB	23	17	38	36	45	63	51	50	60	64	83
LBR	13	23	30	20	26	36	60	39	30	44	68
Total	70	73	113	123	157	191	213	214	192	192	234

4.9 In 2018 the Local Authority established quarterly meetings 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. The purpose of the meetings was to find commonality in threshold for requests and offer constructive challenge when inappropriate requests had been made, or where the police had failed to follow the Home Office Concordat.

4.10 The meetings have been helpful in clarifying when secure and non-secure accommodation should be requested and providing challenge to the police so that the Concordat is followed. EDT ensure 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 EDT service has advocated for the children to be bailed and placed with extended family or non-secure accommodation when a return home is unsuitable.

5. Options Appraisal

5.1 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.

6. Waiver

6.1 Not applicable.

7. Consultation

- 7.1 The proposals in this report were considered and endorsed by the Procurement Board on 19 December 2022.

8. Corporate Procurement

Implications completed by: Francis Parker – Senior Procurement Manager

- 8.1 This process is exempt from the Public Contracts Regulations 2015 so there are no procurement implications
- 8.2 Officers have satisfied themselves that this route offers the best value for money to the Council.

9. Financial Implications

Implications completed by: Paul Durrant, Finance Manager

- 9.1 The annual revenue budget for contributions to the shared service is £0.275m.
- 9.2 The original forecast calculated by the host borough Redbridge was based on annual inflation rate of 2% p.a. for each of the 3 years from 2023/24 as part of this agreement. We have chosen to amend the forecast for the year 2023/24.
- 9.3 The assumption has been that salaries will increase by 5% and support costs by 10% in 2023/24 and both fall back to 2% for the years 2024/25 and 2025/26. The current Consumer Price Index (October 2022) is 11.1%. This is anticipated to fall back during 2023, falling nearer to 2% in 2024.
- 9.4 The table in paragraph 2.2 which has been provided by Redbridge has been amended to reflect those assumptions. Compared to the current budget, this would create a budget gap of £25k in 23/24, £30k in 24/25 and £37k in 25/26.
- 9.5 This assumed increase in expenditure has been included in the services inflation bid as part of their Medium-Term Financial Strategy (MTFS) proposals. This bid is still pending formal agreement subject to MTFS protocol. If this approval is not forthcoming, the service will need to identify an alternative budget, which could be used to mitigate the budget gap or seek efficiencies in the delivery of the service.

10. Legal Implications

Implications completed by: Kayleigh Eaton, Principal Contracts and Procurement Solicitor, Law & Governance

- 10.1 This report is seeking approval to renew the Children's Emergency Duty Team arrangement with 3 neighbouring boroughs led by the London Borough of Redbridge. The new agreement will be in place from 1 April 2023 until 31 March 2026.

- 10.2 The Council has power to enter into these arrangements under S1 of the Localism Act 2011 (known as the general power of competence). The service covered by the shared service arrangement is required to adhere to the duties placed on the Council under the Children Act 1989 and all the Council's local safeguarding procedures.
- 10.3 Such an agreement falls within the exemption provided for under Regulation 12(7) of the Public Contracts Regulations 2015 which covers contracts which establish or implement co-operation between contracting authorities. There is therefore no requirement to competitively tender this contract.
- 10.4 The Legal team will be on hand to assist and advise in order to get the agreement finalised.

11. Other Implications

- 11.1. **Risk and Risk Management** - 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.

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. The performance monitoring of the service has been effectively managed. This has supported a continuous improvement in quality during the contract period.

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.

- 11.2 **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. According to the EDT performance reports the monitoring of cases and follow-up is well documented. Children's Care and Support professionals in LBBB report that the EDT is functioning well and that work with service users is effective.
- 11.3 **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