

CABINET

19 March 2024

Title: Specialist Intervention Service (SIS) Family Contact Framework	
Report of the Cabinet Member for Childrens, Social Care and Disabilities	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Summary: <p>London Borough of Barking and Dagenham has a duty to promote reasonable contact under section 34 of the Children Act 1989. Section 34 places a duty on Local Authorities to allow the child in its care, reasonable contact with their parents and 'other persons' prescribed within s34 (1) of the act.</p> <p>The Specialist Intervention Service (SIS) Family Time Family Contact Team is responsible for the implementation and delivery of supervised contact for children and their parents, in line with court ordered supervised contact arrangements while care proceedings are ongoing, or when they are subject to a Care Order under Section 31 of the Children Act 1989. The team also delivers contact for children accommodated under Section 20 of the Children Act 1989</p> <p>The Family Time Family Contact Team uses a mixed model to deliver Family Contact services for the London Borough of Barking and Dagenham. This comprises of an inhouse Family Contact Team and the use of externally commissioned accredited Family Contact providers through a Framework Agreement. The quality of services being delivered through external providers is generally of a good standard and the SIS Family Time Family Contact Team have developed and maintained effective relationships with all providers being used.</p> <p>Over the last three years, there has been an increase in the demand in the numbers and frequency of court ordered supervised contact. As a result of this, the Family Time Family Contact Team have had to increase the use of externally commissioned providers as the in-house Team alone, does not have capacity to fulfil demand.</p> <p>The current Family Contact Framework Agreement is due to expire on the 31st May 2024 in line with the ‘call off contracts’ in place with providers, which also expire on the 31st May 2024. It is being proposed that the current ‘call off contracts’ in place with providers,</p>	

be extended until the 31st August 2024 to allow sufficient time to undertake a new procurement exercise. The new Framework will be for a period of four 4 years.

Approval is required to commence a further procurement exercise to be compliant with the Councils Contract Rules and the Public Contract Regulations 2015.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree for the Council to proceed with the establishment of a of a four (4) year framework contract for the provision of SIS Family Contact Services and invite providers to apply to be on the Framework, in accordance with the strategy set out in this report.
- (ii) Agree for the Council to enter into two (2) new 'call off contracts' under the current framework for a period of two years (2) years.
- (iii) Approve a new waiver on grounds 35.5 (g) of the Council contract rules (for below threshold contracts), to extend contracts for three providers (on preferred providers list) for a period of three (3) months commencing 1st June 2024 until the 31st of August 2024.
- (iv) Delegate authority to the Strategic Director of People and Resilience, in consultation with the Cabinet Member for Children's Services and Disabilities, the Chief Operating Officer, and the Director of Law and Governance, to award and enter into the access agreement and all other ancillary call-off agreements upon conclusion of the procurement process when required.

Reason(s)

- To enable the Council to fulfil its statutory duties as prescribed in accordance with the Council's Contract Rules for 'light touch regime' contracts;
- To support the Councils priorities in ensuring residents are safe, protected, and supported at their most vulnerable (Priority 2: LBBB Corporate Plan 2023 - 2026);
- To support the Council to deliver a robust Early Help and edge of care offer for Children and young people as outlined in LBBB's Looked After Children and Care Leavers Sufficiency Plan 2021 – 2025; and
- To provide an appropriate, best-value service that delivers excellent outcomes for children and young people in care.

1. Introduction and Background

- 1.1. The London Borough of Barking and Dagenham has a duty to promote contact under section 34 of the Children Act 1989. Section 34 places a duty on Local Authorities to allow the child in its care, reasonable contact with their parents and 'other persons' prescribed within s34 (1) of the act.
- 1.2. Supervised contact takes place for children separated from a parent because they have suffered or are at risk of suffering harm. Maintaining contact with a parent/guardian helps to promote a child's physical safety and emotional well-being.

- 1.3. Where a child or young person has been separated from their parent's, supervised contact is facilitated through the Specialist Intervention Service's Family Time Contact Team who provide supervised contact in a safe and neutral place for children looked after by the local authority to meet their parents or extended family in line with court ordered supervised contact arrangements, or arrangements where children are accommodated under Section 20 of the Children Act 1989.
- 1.4. Family contact is organised to ensure the safety of the child/children through a risk assessment that then structures each contact.
- 1.5. The Family Time Contact Team is responsible for sourcing supervised contact in a safe and welcoming place for children to spend time with their parents or extended family in line with court ordered supervised contact arrangements while care proceedings are ongoing, or when they are subject to a Care Order under Section 31 of the Children Act 1989 or accommodated under section 20 of the same Act.
- 1.6. The aim is to provide a safe space for children and their families to spend time with each other, helping children form, develop and maintain positive links with their families and other significant people in their lives. Family Time Contact workers observe, record, participate and intervene in this process as appropriate, to help this family time to be as positive as possible. Family Time Contact workers also support parents who may need help to develop their parenting skills in line with the child's welfare.
- 1.7. The majority of these sessions take place in Barking and Dagenham venues such as Mayesbrook House, community hubs, children centres and other local venues, including in the community. Some sessions also take place outside of the borough due to children being placed further away.
- 1.8. The level of contact for these families is directed by the courts and can range from between 1 to 4 hours per session, between 1 to 7 times a week and once/twice a month or sometimes once or twice annually. The level and frequency of contact can also increase and decrease dependent on court direction and or the plan of the child. The current frequency of sessions per family is averaging at around 2 to 3 per week/per family.
- 1.9. The SIS Family Time Contact Team delivers family time contact via a mixed model which comprises of both an inhouse Family Contact service and the use of externally commissioned accredited Family Contact providers.
- 1.10. In February 2021, the Council approved a request to commission several accredited family contact providers via a Framework Agreement for a period of three (3) years, as the inhouse service did not have the capacity to meet the level of demand for Family Time Contact across Childrens Social Care. A procurement exercise was undertaken, and three (3) providers joined the framework which commenced in June 2021.

Referrals and Capacity

- 1.11. Since June 2021, there has been around a 100% increase in contact referrals coming through to the SIS. To meet the increased referral demands, additional

accredited providers were sourced to be used 'off framework' on a spot purchase basis. Reduced fees and rates were negotiated by the Commissioner and a waiver was approved by the SIS HOS, to award three (3) further contracts to local Family Contact providers on a spot purchase basis to run alongside the Framework Agreement on a preferred providers list. These providers have been used when Framework Providers have been unable to offer services to meet the demand.

- 1.12. The Family Time Family Contact Team has also seen an increase in referrals for the number of children and young people who are placed **outside of the borough**. The current Framework does not have any Providers that can cater to the needs of children who are placed outside of the borough, therefore further work has been completed by Commissioners to source out of borough Providers, undertaking due diligence and negotiating reduced costs where possible to ensure the council is getting value for money.

Referrals Data

- 1.13. Table 1 below, shows the current number of families that have accessed Supervised Contact through the SIS Family Contact Service since the Framework commenced.
- 1.14. The figures include families that have been supported through both commissioned providers and the SIS in-house team. The table does not count the number of sibling groups each family may have, which can be multiple children where supervised contact is required to be delivered on different days, times etc.

Table 1

Total No. of Families Supervised contact has been provided to:	
June 21 - May 22	119
June 22 - May 23	127
June 23 – Oct 23	105

- 1.15. Table 2 shows the current number of supervised contact hours that have been allocated and delivered during the Framework being in place. A breakdown is provided illustrating the number of hours allocated both in-house and to external providers.

Table 2

Allocation of Supervised Contact hours:			
Financial Year	In-house	External	Totals
Apr 2021 - Mar 2022 (12m)	7,450	1,900	9,350
Apr 2022 - Mar 2023 (12m)	7,054	5,739	12,793
Apr 2023 - Nov 2023 (8m)	6,004	5,503	11,507

- 1.16 Table 2.1 shows the percentage breakdown of allocation between in-house and external providers.

Table 2.1.

Percentage (%) Breakdown of Contact hours:		
Financial Year	In-house	External
Apr 2021 - Mar 2022 (12m)	79.6%	20.4%
Apr 2022 - Mar 2023 (12m)	55.1%	44.9%
Apr 2023 - Nov 2023 (8m)	52.2%	47.8%

Current Spend

- 1.17. The current spend to date on the Framework Agreement has exceeded the current Framework value, which stands at £180,000 over 3 years. This has been largely due to the increasing number of referrals coming through the SIS for supervised Family Time Contact which is influenced by decisions made at court. This limits the way in which we can forecast the number of referrals that will come through to predict spend. Furthermore, each contact differs in terms of cost, frequency and duration which also impacts on the final spend. Further details can be found in Table 3 at 2.2 of this report.
- 1.18. Other factors such as availability to allocate in-house can also be challenging, particularly during periods where there are staff absences as these referrals will then be allocated externally. Additionally, there is a need for continuity, therefore once a family have been allocated to an external provider, the family will remain with that provider until the duration of the contact comes to an end.
- 1.19. It is worth noting that when the Framework was initially set up, allocations to providers were only made if the in-house service were unable to meet the needs, using providers to cover 'one off' instances on an 'as and when required' basis. Contact sessions with Providers were also cancelled by the SIS, (within 2 hours agreed timescales) if an in-house staff member became available. This approach caused some challenges with Providers who started rejecting allocations/referrals as they felt they were not being given substantial levels of work to continue to be financially viable. To address this issue, families where the needs could not be met in-house were allocated to Providers to deliver continued consistent sessions for the duration of the contact.

New Procurement Exercise

- 1.20. The current Framework Agreement is due to expire on the 31st of May 2024; approval is therefore required to commence a further procurement exercise to be compliant with the Councils Contract Rules.
- 1.21. The current 'call off contracts' with providers have expired with providers working on an implied contract. Commissioners have sought advice from colleagues in Legal and it has been advised that new contracts are entered into and called off of the framework. These will be awarded in accordance with the terms of the framework and to those providers who have been delivering services. Call offs with the suppliers must be entered into before the framework expires on 31 May 2024. The contracts have a term of around two (2) years. The new call off contracts will commence from January 2024 and expire in December 2025. This will allow the SIS

Family Time Contact Team to continue to use these providers beyond the framework expiry date and allow sufficient time to undertake a full procurement exercise without service delivery being impacted.

- 1.22. A new waiver will also be completed to seek an extension to the current contracts of three providers, who are delivering services on a spot purchase basis. The current three contracts shall be extended until the 31st August 2024 (waiver permitted), as those contracts are due to expire on the 31st of May 2024. This will enable the SIS Family Time Contact Team to continue to use these providers also.
- 1.23. The new Framework will be for a period of 4 years and would be expected to be in place with delivery commencing on the 01st of Sept 2024.
- 1.24. The contracts will have no minimum value as service will only be sought when required. The final value of the contract will depend on the number of referrals made (if any) to the provider.

2. Proposed Procurement Strategy

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

- 2.1.1 The service being procured is for the Provision of Family Contact Services and will be aimed at Providers who are registered and accredited by the National Association of Child Contact Centres (NACCC).
- 2.1.2 London Borough of Barking and Dagenham will invite expressions of interest from suitably qualified Family Contact providers interested in joining a Framework Agreement to provide services.
- 2.1.3 The Council will select suppliers to provide services via a “direct call-off”. If a direct “call off” is not feasible then a mini competition will be held with the providers within the specific category to ensure that the most suitable provider is selected, the selection will be based on price, quality, and the needs of service users.
- 2.1.4 The service will provide supervised family time contact as directed by the child’s plan, for looked after children living in Barking and Dagenham and for children placed outside of the borough. The service will provide supervised family time contact across Barking and Dagenham and outside of the borough in a variety of settings such as Contact Centres/Community Hubs, in community settings and in the Providers own venue (if required).
- 2.1.5 The service will provide family time contact supervisors children referred to them, including at short notice. Providers will have sufficient staffing capacity to deal with the number of referrals made to them to ensure continuity of service with limited disruption.
- 2.1.6 The service will operate between 09:30am – 18:00pm Monday to Friday and 09:30am – 18:30pm on the weekends.
- 2.1.7 The service will be expected to complete observations and write reports (in the style of a letter to the child) for each session.

2.1.8 The service will meet Family Time Contact Practice Standards and promote and sustain the child’s relationship with their family, in an environment that allows them to spend quality time to connect and interact.

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

2.2.1 The contract will be a Framework Contract that will have no minimum value. No commitment to expenditure by the Council will be stipulated within the contract itself. Expenditure will only be incurred when referrals are made. Table 3 illustrates current spend for using external providers to deliver supervised contact.

2.2.2 Spend in year 1 (2021 – 2022) appears to be significantly lower than year 2 and 3. This is a result of invoices being submitted late by providers.

2.2.3 This includes spend for providers ‘on and off’ framework, such as providers on our ‘preferred providers list’ that are spot purchased (with contracts in place) and spend incurred for ‘out of borough’ supervised family time contact sessions which are also spot purchased.’

2.2.4 Table 3

Current Spend on external FC providers	
Financial Year	Spend
2021 - 2022	£57,189.75
2022 - 2023	£195,009.38
Projected spend for 2023/2024	£206,510.34
Total spend	£458,709.47

2.2.5 Based on the projected spend for financial year 23/24 (£206,510.34), it is estimated that the total framework contract over four (4) years would be in the region of £826,041.36 (£206,510.34 per annum). During the Christmas break period, the frequency and volume of contacts are known to increase, which may also affect projected costs.

2.2.6 This figure may be subject to increase as uplift requests made by providers will be considered in year four (4) of the contract. It is worth noting that no uplift request has been made to date, under the current contracts in place.

2.3 Duration of the contract, including any options for extension

2.3.1 The Framework Agreement will be for a period of four (4) years commencing 01st September 2024 until 31st August 2028. With no option to extend beyond the fourth year.

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 Yes, The Contract is subject to the Public Contracts Regulation and the contract is considered a ‘light touch regime contract’ under current procurement legislation. As

the procurement will be undertaken under the Light Touch Regime, it will be subject to the full rigor of the Public Contracts Regulations 2015, and we will ensure that the procurement is open, transparent, and fair

2.5 Recommended procurement procedure and reasons for the recommendation

- 2.5.1 The tender procedure will be conducted in compliance with the Council's Contract Rules. Framework Agreements/Contracts - Procurements from Frameworks are exempt from the full application of the Contract Rules (March 2023), provided the framework has been properly procured under the Regulations and the procurement is made in accordance with the Framework's terms and conditions. Contract Rule 10.2 will be adhered to.
- 2.5.2 This will be a single stage tender using the Open Procedure and making the process less onerous, to encourage interest from SME's and Social Enterprises to submit a tender for this Framework contract. The tendering of this service will be advertised on Find a Tender, the Council's e-tendering portal (Bravo), Contracts Finder and the council's website. This route has previously worked well: providers engaged with, and had no issues with, the way in which the procurement procedure was administered.
- 2.5.3 There are a number of advantages to a contractual framework over spot-purchasing:
- Quality assurance can take place both with regard to statistical returns, as well as regular meetings with providers.
 - Good practice and training opportunities can be shared amongst providers and forums held with local partners.
 - Good quality services should lead to more consistent, needs-focused service provision for families.
 - A pre-agreed pricing structure that commits the providers to maintain their base prices across the term of the contract.
 - Guaranteed pricing structure.
- 2.5.4 A Framework Agreement, would have additional advantages. It would not oblige the local authority to purchase any particular volume from a provider. The Council will select suppliers to provide services via a "direct call-off". If a direct "call off" is not feasible then a mini competition will be held with the providers within the specific category to ensure that the most suitable provider is selected, the selection will be based on price, quality, and the needs of service users. The 'call off' contract would be for a term that can range for a couple of weeks, months or years based on the needs of service users.
- 2.5.5 The Framework Agreement will be advertised (as above) and London Borough of Barking and Dagenham will invite expressions of interest from suitably qualified Family Contact providers interested in joining a Framework Agreement to provide services. Interested parties will be invited to tender on the basis of a compliant tender.
- 2.5.6 Providers will be required to submit Tender Submission Documents via the Council's e-tendering portal (Bravo) link and will be asked to meet minimum standards, as well as completing method statements responding to set questions

under the following headings as to how they will deliver services outlined in the specification.

- Service, Delivery and Design
- Recruitment, Expertise and Credentials
- Health, Safety and Safeguarding
- Quality Assurance
- Equalities

- 2.5.7 A pricing schedule will also be completed by providers. Corporate Procurement will work with the Service in order to ensure the correct balance is found between ensuring the tender documents are 'light' enough to not be perceived as a barrier to local and/or SME providers, whilst also being robust enough to ensure that the correct quality/price is achieved.
- 2.5.8 Providers will also complete a Social Value assessment which will identify a commitment to a minimum of two themes set out in LBBB's Social Value Policy in line with the goals of the borough manifesto.
- 2.5.9 An evaluation of all full and compliant tenders received will take place once the deadline has passed for submission. To ensure that the quality of the service is satisfactory, there will be a pass threshold and a minimum quality and price score that provider(s) must meet to be admitted on to the Framework. This approach will ensure that only providers that are of good-quality and are price-competitive are placed on the framework.
- 2.5.10 The evaluation will involve participation of key stakeholders within children's social care (corporate parenting), children's commissioning, placements team including colleagues from housing and a young people's panel who will be supported to form part of an independent evaluation panel.
- 2.5.11 Following the evaluation of the tenders, providers will be advised if they have been successfully placed on the Framework. This will result in a shortlist of preferred providers.
- 2.5.12 The Family Contact Managers (who are responsible for coordinating the delivery of externally used providers), will select suppliers to provide services via a "direct call-off". If a direct "call off" is not feasible then a mini competition will be held with the providers within the specific category to ensure that the most suitable provider is selected, the selection will be based on price, quality, and the needs of service users.
- 2.5.13 It is anticipated that this re-tender will be advertised on 01st March 2024 with the tender exercise and contracts awarded by Sept 2024

Proposed Procurement Timetable

Activity	Completion Date
Report submitted to pre procurement group	28 th Dec 2023
Report Considered at pre procurement group	08 th Jan 2024
People and Resilience Management Group (PRMG)	11 th Jan 2024
Report submitted to Procurement Board	09 th Jan 2024
Report considered at Procurement Board	15 th Jan 2024
Report submitted to Cabinet	29 th Feb 2024
Portfolio – Cllr Jones	05 th Mar 2024
Report considered at Cabinet	19 th Mar 2024
Prior Information Notice	25 th Mar 2024
Advertise Tender on Bravo	08 th Apr 2024
Deadline for provider Queries	31 st May 2024
Tender closes	07 th Jun 2024
Download Tenders from Bravo	10 th Jun 2024
Evaluation of Tenders	11 th Jun - 05 th Jul 2024
Provisional notification of successful providers	12 th Jul 2024
Alcatel (10-day standstill period)	12 th Jul - 22 nd Jul 2024
Award Report – sign off	31 st Jul 2024
Send Contracts to successful providers for signing	2 nd Aug 2024
Contracts Sealed	16 th Aug 2024
Contract Start Date	1 st Sept 2024

2.6 The contract delivery methodology and documentation to be adopted.

- 2.6.1 The contract will be delivered by external providers. The type of contract that will be used will be both a Framework Contract and a 'call off contract'. The Framework Agreement will have a 6-month break clause and the 'call off contracts will have a 3-month break clause. All contracts will be discussed with colleagues in both procurement and Legal services. Local providers on our 'preferred providers list', including regularly used 'out of borough' providers will be encouraged to apply to be on the Framework.
- 2.6.2 Local Providers will deliver services from Council premises including venues which have been identified as suitable for contact to take place in. This may also include the Providers premises if required. Out of borough Providers will be required to deliver contact from their premises or attend premises/venues sources by London Borough of Barking and Dagenham to deliver contact sessions.
- 2.6.3 The day-to-day delivery will be managed by the operational team (SIS Family Time Contact Managers), with oversight from the SIS Head of Service. Providers will complete quarterly monitoring reports (where services have been delivered),

demonstrating outcomes that have been achieved. The Commissioning Manager will undertake quarterly monitoring meetings with Providers jointly with the SIS Family Time Contact Managers to ensure the quality and effectiveness of the service is kept under review.

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

2.7.1 There will be no direct savings relating to service provision however, the service will play a significant role in assisting the Council to fulfil its commitment to providing Family Time Contact.

2.7.2 The framework contracts will allow the council to deliver Family Time Contact Services to:

- provide a safe and neutral place for children to meet their parents or extended family in line with supervised contact arrangements.
- to ensure the safety of the child/children through a risk assessment that then structures each contact.
- provide a safe space for children and their families through Contact Supervisors who observe, record and participate, as appropriate.

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

2.8.1 The price/quality ratio upon which contracts will be awarded will be 45% Quality, 45% Price, 10% Social Value. Providers will be ranked based on their tender submission and presentation scores.

2.8.2 This price/quality split has been arrived at to ensure a framework of providers of sufficient quality will equal weighting on the Price to allow for Contracts to be awarded on the basis of the most economically advantageous tender. The Tender documentation will make it clear that no direct award will be made to those organisations that are too expensive and we will be able to award based on price at the call-off stage if this is more tangible.

2.8.3 The evaluation of the Tenders will include key operational colleagues to take part in the evaluation of the Tender Submission Documents (method statement) to ensure that the quality, price and social value delivery is satisfactory.

2.8.4 Discussion with Legal and Procurement colleagues will take place to ensure the scoring for each method statement heading (Service Delivery and Design, Recruitment Expertise and Credentials, Health Safety and Safeguarding and Quality Assurance and Equality) is compliant. There will be a pass threshold and a minimum quality score will be set that provider(s) must meet to be considered for the Framework.

2.8.5 Once a decision has been made to notify bidders of contracts to be awarded, a 10-day Alcatel standstill period will commence (in compliance with the Public Contracts Regulations 2015), to give suppliers an opportunity to challenge the decision.

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

- 2.9.1 Social Value will contribute to 10% of the overall scoring during the evaluation.
- 2.9.2 LBBB's social value toolkit will be shared as part of the Tender Documents. Providers will be given two social value themes to focus as part of the Social Value Toolkit 'Investment in Local People' and 'Investment in Local Economy' as it is felt that these themes will have greater impact and be more achievable for both local and out of borough providers who may apply.
- 2.9.3 Providers will be expected to complete method statements and delivery plans on how they will contribute to social value within LBBB. Information will be clear in explaining that social value commitments will be in addition to expectations outlined in the contract. Templates for both the Method Statement and Delivery plan will be provided, outlining clear and measurable outputs, timescales and information on who will be responsible for overseeing the delivery.
- 2.9.4 Successful providers will be subject to contract monitoring which will oversee how the provider is meeting their Social Value commitments outlined in their social value delivery template and method statement.

2.10 How the Procurement will impact/support the Net Zero Carbon Target and Sustainability

- 2.10.1 Providers will be subject to Net Zero Carbon Audits and will be required to demonstrate their Carbon Reduction Plans. These will be factored into the new terms and conditions of the Contract.

3. Options Appraisal

3.1 Option 1: Spot Purchase

- 3.3.1 The Council could spot purchase these services from their current suppliers. There would be a high degree of financial risk associated with this option, as spot purchasing will often be the most expensive method of purchasing. This could expose the Council to potential price increases and deficit budgetary positions. This method of purchasing does not require a long-term contract; therefore, suppliers could change their terms with little or no warning which could essentially impact on the quality, continuity, and consistency of the service being delivered to our families.
- 3.3.2 Without contracts in place, we cannot enforce DBS (Disclosure and Barring Service) checks being mandatory, or that service providers have the correct policies and procedures in place. This option is not recommended.

3.2 Option 2: Join an existing Framework Agreement

- 3.2.1 There are no suitable existing frameworks in place that the LBBB can call-off.

3.3 Option 3: In-House Model of Delivery

- 3.3.1 The current staffing establishment of in-house Team comprises of a Team Manager, eight full time family time contact supervisors, one part time supervisor, and two-family time contact managers who coordinate contact for both inhouse and external delivery of Family Time Contact.
- 3.3.2 Currently there are two full time family time contact supervisors on long term sick and one part time family time contact supervisor post which has been vacant for over four months impacting on overall capacity to deliver services internally. Recruitment is under way.
- 3.3.3 The in-house family time contact supervisors deliver 35 hours of contact each per week, Monday to Friday, and work between the core hours of 9am to 5pm or 10am to 6pm. Any weekend hours undertaken are subject to overtime and take place on a Saturday only.
- 3.3.4 Only two in-house family time contact supervisors are allocated to work at the weekend with low-risk families out in the community (not in a venue setting) which means a maximum of two families can be supported at any one time.
- 3.3.5 Over the past year, the SIS have seen an increase in 'after school contacts', which average around 10 contacts/families per day (although on some days this can increase to 15 or more), which already exceeds the number of available in-house family time contact supervisors available. Taking into consideration staff sickness, leave, bank holidays, training, flexible working hours etc. and consideration of staff ratios per contact (some higher risk or new families may require more than one supervisor) this further reduces the availability of in-house staff in relation to the volume of referrals/contacts that is required to be delivered.
- 3.3.6 With current frequency of contacts averaging around 2 to 3 sessions per week per family, allocating exclusively in-house would not be possible with the current staffing establishment.
- 3.3.7 As shown earlier in Table 2 and 2.1 (also below); the number of allocations being made to external providers has been increasing year on year. As explained within the report, the predominant factor in this is largely due to capacity issues within the in-house.

Allocation of Supervised Contact hours:			
Financial Year	In-house	External	Totals
Apr 2021 - Mar 2022 (12m)	7,450	1,900	9,350
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Percentage (%) Breakdown of Contact hours:		
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3.3.8 Current in-house staffing costs are outlined below in Table 4. The unit cost includes oncosts.

3.3.9 **Table 4**

Job Title	Hours per week	Unit Cost	Total Cost
Team Manager (x1)	35	£75,321	£75,321
Family Time Contact Manager (x2)	35	£58,533	£117,067
Family Time Family Contact Worker (x8)	35	£41,914	£335,312
Family Time Family Contact Worker (x1)	17.5	£20,957	£20,957
Totals	367.5	£196,725	£548,657

3.3.10 To meet the demand exclusively through an in-house Family Time Contact offer, the Council would need to increase the current staffing establishment (Family Time Contact Worker/supervisors) by a minimum of 50% with the current volume and frequency that is required to be delivered. That would equate to another 4.5 supervisors, increasing staffing costs to another **£178K** per annum, taking the total cost of the in-house service to around **£716,657** per annum. This does not include Family Time Contact Managers' time who would need to be available in the event of any issues or safeguarding concerns arising.

3.3.11 In addition to this, further considerations would need to be made to changes that would need to take place to existing staff contracts as changes would need to be made to factor in both bank holiday, weekend and after school hours. This would need to be done in consultation with trade union representatives and Human Resources.

3.3.12 The Council would also need to factor in additional costs such as venue hire during weekends and after school. Although some of these could be delivered from Council owned buildings, the cost of keeping the building open e.g. caretaking costs, heating, lighting etc. would need to be considered.

3.3.13 The total combined cost for the SIS Family Time Contact Service (using both in-house and external providers) is currently in the region of £755,167.34 per annum, whilst this cost is marginally more expensive than an in-house service, it is worth noting that the costs for an all-inclusive in-house service, do not reflect additional costs that may need to be factored in such as management costs, training, staff benefits, pensions, expenses, venue/premises etc.

3.3.14 By using external providers to deliver services, the Council would be able to relinquish a portion of this responsibility to an external provider via a Contract. It would be easier to end a contract if performance is not satisfactory with an external provider rather than having to go through an internal restructure and redundancies if the whole service was bought in-house.

3.4 Option 4: Dynamic Purchasing System (DPS)

- 3.4.1 A DPS is an electronic system established to purchase goods and services. It is similar to a framework however is open to new suppliers throughout the lifespan of the DPS. DPS can be open to new providers for up to a specified period of time so there is no cut off period for new entrants.
- 3.4.3 The benefit of the DPS is that suppliers can enrol throughout the life of the DPS. This would be particularly advantageous for children who are placed outside of the borough as it means a provider can join at any time, unlike a framework agreement where new providers cannot join.
- 3.4.4 Providers would be required to meet a minimum quality standard and therefore value for money could be delivered with lower unit costs. As like a Framework agreement there is no obligation to spend on a DPS.
- 3.4.5 This option was considered as a potential route to market, however, there have been discussions with procurement colleagues that the process can be quite labour intensive.
- 3.4.6 As a DPS is a relatively new tool, there is a need for further understanding of how this could benefit the Council. This option could be considered in the future, once further investigations have taken place.

3.5 Option 5: Framework Agreement

- 3.5.1 It is felt the best viable option for the service to continue delivering an effective Family Time Contact service is to continue to adopt the previous procurement method of using a Framework Agreement.
- 3.5.2 This appears to have worked well to date, as multiple providers can be commissioned for larger numbers of families as and when required with no long-term commitment. This increases availability and allows more choice in deciding which provider is best suited to deal with the need of families. As many of the local providers also have their own venue, this offers further options to hire local venues at a reduced cost when a suitable venue cannot be found or is not available.
- 3.5.3 Having multiple providers on a framework also helps to drive costs down as providers are competing against each other.
- 3.5.6 It is anticipated that current providers who have been awarded contracts under a spot purchase agreement will also join the Framework. These providers have indicated a preference to be part of any new Framework Agreement. The Framework will also include Providers who deliver supervised contact outside of the borough.
- 3.5.7 There are a number of advantages to a contractual framework over spot-purchasing:
- Quality assurance can take place both with regard to statistical returns, as well as regular meetings with providers.

- Good practice and training opportunities can be shared amongst providers and forums held with local partners.
- Good quality services should lead to more consistent, needs-focused service provision for families.
- A pre-agreed pricing structure that commits the providers to maintain their base prices across the term of the contract.
- Guaranteed pricing structure.

3.5.8 A Framework Agreement, would have additional advantages. It would not oblige the local authority to purchase any particular volume from a provider. The Council will select suppliers to provide services via a “direct call-off”. If a direct “call off” is not feasible then a mini competition will be held with the providers within the specific category to ensure that the most suitable provider is selected, the selection will be based on price, quality, and the needs of service users. The ‘call off’ contract would be for a term that can range for a couple of weeks, months or years based on the needs of service users.

3.6 **Option 6: Cease to provide.**

3.6.1 This is not an option as the Council has a legal duty to provide Family Contact for children and young people who are subject to an Interim Care order, section 20 or Full Care Order.

4. **Waiver**

4.1 A new waiver is required as outlined in 1.22 to extend the spot purchasing contracts for the three (3) providers on the ‘preferred providers list’ that are currently being used (off framework) to deliver Family Contact services as these contracts are due to expire on the 31st of May 2024. The average spend across all three providers over from the period of April 2023 to Dec 2023 totals £10,619.36 per month.

4.2 The waiver will seek approval for the contracts to be extended for a period of three months with a total contract value of £31,858.09 from the 1st June 2024 until the 31st August 2024, to align with the commencement of the new framework. As the value of the waiver/contracts will be below the Councils threshold, the grounds for which the waiver will be sought will be under the Councils Contract Rules 35.5 (g) *‘the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of the Contract Rules is justifiable’*.

5. **Consultation**

5.1 Consultation has taken place between Commissioning, the SIS Head of Service, Finance business partner, Procurement and Legal colleagues.

5.2 The report is scheduled to be presented at PRMG and Procurement as outlined in the procurement timeline (2.5.12)

5.3 The report has been presented and discussed at both Procurement subgroup (08/01/2024) and Procurement Board (15/01/2024).

- 5.4 A Data Protection Impact Assessment will also be completed in consultation with Kim Starbuck.

“The proposals in this report were considered and endorsed by the [Procurement Board] at its meeting on 15th January 2024.

6. Corporate Procurement

Implications completed by: Francis Parker – Senior Procurement Manager

- 6.1 The requested call-off is possible under the current framework and officers are satisfied that this offers the best value for money to the Council. The call-off is also necessary to allow enough time to reprocure the new framework contract.
- 6.2 The current framework has been successful, and officers are satisfied that establishing a new framework will offer the best value for money to the Council.

7. Financial Implications

Implications completed by: Antony Envoldsen-Harris, Finance Business Partner

- 7.1 The preferred option as outlined above is option 4 for a new framework agreement. Whilst on the surface this appears more expensive than expanding the in-house provision, there are several costs not factored in for this. The framework agreement is all inclusive, offering stability of costs and delivery of service.
- 7.2 Whilst overall option 4 sees an increase in cost of £161k per annum over the current provision, this is required to meet the expanding demand and offer the service required. The increase will be met from existing funding within Children’s Services, making use of general contingency funds held by the Operational Director Childrens Care and Support.

8. Legal Implications

Implications completed by: Lauren van Arendonk, Principal Contracts & Procurement Lawyer (Foreign Qualified) (Acting), Law & Governance

- 8.1 This report is seeking to approve the establishment of a new framework contract for the provision of SIS Family Contact Services. Further, the report seeks to call off three contracts under the current framework, which does not expire until 31 May 2024.
- 8.2 The client department is intending to use a framework which will satisfy the Council’s Contract Rules. Rule 32 permits the setting up of a Framework Agreement provided that the Framework being used has been properly procured in accordance with the law and the call-off is made in line with the Framework terms and conditions and does not exceed a term of 4 years. As the current framework has not yet expired, it contracts can still be entered into past the term of the framework expiry, provided that there is a legitimate business need to call off further contracts to meet service requirements.

8.3 The use of a framework will satisfy the requirements of a valid procurement route to market. The default for creating a call-off mechanism when creating a Framework Agreement should be a mini-competition. It appears that the framework agreement is a viable route to market and can be approved.

9. Other Implications

9.1 **Risk and Risk Management** - A risk assessment has been undertaken highlighting keys areas of risk associated with tender and procurement process. See table below:

Risk	Likelihood	Impact	Risk Category	Mitigation
Delay to/ failed procurement process	Low	High	Medium	Set and monitor realistic implementation timetable, ensure legal and procurement compliance, clear escalation pathways of any potential delay
No appropriate bids received	Low	High	Low	<p>PIN to give advance notice to the market and provide a contact for soft touch discussion and additional support. Longer open tender timeframe considered to allow enough time for providers to submit high quality bids.</p> <p>Notification to be sent out to all NACCC accredited providers in the London and South East.</p> <p>Current suppliers have demonstrated appetite to submit bids.</p> <p>Standard Selection Questionnaire – Eligibility Questions will be posed, to avoid bids that do not meet criteria required.</p> <p>Currently have suppliers we can spot purchase from, however will need to negotiate costs if these are increased.</p>
Smaller providers who do not have experience in applying for tenders may be deterred from applying	Medium	Low	Low	As above, PIN will be posted on Bravo, encouraging discussion from smaller providers. Queries will be taken as part of tender process.
Challenge of contract award decision by unsuccessful provider(s)	Low	High	Medium	<p>Alcatel 10-day standstill period to be implemented.</p> <p>Procure contract in line with Council's contract rules and EU Public Contracts Regulations. Ensure documentation is kept. ITT to detail procurement approach and transparent process. Stick to the timeframes given. Ensure that communication is consistent.</p>
Provider(s) fails to meet their obligations	Medium	Medium	Medium	Phased approach to contract monitoring with more frequent meetings initially, outlined in a clear project plan, clear KPIs and outcomes.
Data Protection considerations	Medium	High	Medium	Data impact assessment to be completed, ensure discussion with Information

				Governance manager – Kim Starbuck to ensure only necessary data is shared/requested.
Young people panel fail to participate in evaluation	High	Low	Low	Lead worker in place to support the development and delivery of YP panel. Incentives are being considered. YP panel scheduled for half term to ensure wider availability of YP. In the event YP cannot attend panel, representatives from commissioning team will step in using questions submitted by YP panel.

9.2 **Corporate Policy and Equality Impact** - As part of the procurement process, an Equalities Impact Assessment (EIA) Screening Tool has been completed. The assessment outlines the impact on those cohorts with protected characteristics as outlined in the Equalities act 2010 and addresses how the impact will be mitigated throughout the new service. See **Appendix 1**.

9.3 **Safeguarding Adults and Children** - The local authority has a duty to promote contact, under Section 34 of the Children Act 1989. Section 34 places a duty on local authorities to allow the child in its care, reasonable contact with his parents and 'other persons' prescribed within s34 (1) of the act.

Meaningful contact can promote the wellbeing of the child and also supports parents to become more reflective about their parenting and understand the importance of consistency in parenting. It also aims to give parents strategies to respond appropriately to their child's behaviour.

9.4 **Health Issues** – The NACCC, report that children who experience family breakdown are more likely to experience behavioural problems, perform less well in school, need more medical treatment, leave school and home earlier, become sexually active, pregnant, or a parent at an early age, and report more depressive symptoms and higher levels of smoking, drinking and other drug use during adolescence and adulthood.

Promoting contact between parents and children ensures the physical safety and emotional wellbeing of a child. It also assists in building and sustaining positive relationships between a child and member of their non-resident family.

9.4 **Business Continuity / Disaster Recovery** – As this is a Framework Agreement, we will have the option to 'call off' with other providers on the Framework.

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

List of appendices:

- Appendix 1: EIA Screening Tool