

Decision Maker: PORTFOLIO HOLDER FOR EDUCATION, CHILDREN AND FAMILIES

Date: 13 September 2017

Decision Type: Non-Urgent Non-Executive Non-Key

Title: CHILD SEXUAL EXPLOITATION SUPPORT SERVICE CONTRACT

Contact Officer: Phil White, Children's Commissioner, Children's Services
Tel: 0208 313 4643 E-mail: Philip.white@bromley.gov.uk

Chief Officer: Janet Bailey, Director of Children's Services
Tel: 0208 313 4062 E-mail: janet.bailey@bromley.gov.uk

Ward: (All Wards);

1. Reason for report

- 1.1 The current contract for support services to children at risk of sexual exploitation is currently held with Barnardo's. The contract is due to end on 30th September 2017. This report seeks authorisation from the Portfolio Holder for Education, Children and Families to award a further contract to Barnardo's for a period of twelve months and sets out the commissioning intentions for the future delivery of this service.

2. **RECOMMENDATION(S)**

- 2.1 The Portfolio Holder is recommended to approve a further award of contract to Barnardo's, via an exemption to competitive tendering, for a 12 month period with the new contract to commence on the 1 October 2017.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The service supports vulnerable children who are subject to sexual exploitation and will provide them with support and expertise they need to deal with the situation and move forward. It will have no impact on vulnerable adults.
-

Corporate Policy

1. Policy Status: Existing Policy: Further Details Safeguarding Children and Young People
 2. BBB Priority: Children and Young People:
-

Financial

1. Cost of proposal: Estimated Cost: Further Details £40,000
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: 810109
 4. Total current budget for this head: £40,000
 5. Source of funding: Council's General Fund/Tackling Troubled Families Grant
-

Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement None: Further Details Education Act 2002, Children's Act 2004, duty to safeguard and promote the welfare of children.
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: The contract falls within the Light Touch regime of the Public Procurement Contracts Regulations 2015 and the cumulative value is well below the threshold requiring competitive tender. An exemption to competitive tendering is allowed for within the Contract Procedure Rules, subject to authorisation as per Section 13 of the Rules, authorisation required from Director of Commissioning and Director of Finance with a report of the use made of this exemption being made to Audit sub-committee on a bi-annual basis.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 12 young people per month assessed as being at risk of sexual exploitation. It is estimated this figure may rise over the next 12 months.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Local Authority has a general statutory duty under the Education Act 2002 and Children's Act 2004 to safeguard and promote the welfare of children and to comply with relevant guidance issued by the Secretary of State (such as 'Tackling Child Sexual Exploitation 2015').
- 3.2 Child sexual exploitation (CSE) is a crime with devastating and long lasting consequences for its victims and their families. Childhoods and family life can be ruined and this is compounded when victims, or those at risk of abuse, do not receive appropriate, immediate and on-going support. The first response to children, and support for them to access help, must be the best it can be from social workers, police, health practitioners and others who work with children and their families.
- 3.3 CSE is a form of child sexual abuse and is defined as per the Governments Department for Education paper on CSE as:
- 3.3.1 *Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.*
- 3.4 CSE is a complex form of abuse and it can be difficult for those working with children to identify and assess. The indicators can sometimes be mistaken and requires knowledge, skills, professional curiosity and an assessment which analyses the risk factor and personal circumstances of individual children to ensure that the signs and symptoms are interpreted correctly and appropriate support is given.
- 3.5 The long-term consequences of any form of child abuse can be devastating and early identification and providing support as soon as problems emerge is critical. CSE damages children and can have long-lasting consequences that can impact on every part of a child's life and their future outcomes. CSE has been shown to affect:
- Physical (including sexual) and mental health and well-being;
 - Education and training and therefore future employment prospects;
 - Family relationships;
 - Friends and social relationships, current and as adults; and
 - Their relationship with their own children in the future.
- 3.6 The CSE recovery service, within Children's Social Care, provides direct support across Bromley to children and young people under 18 years of age who are at risk of being sexually exploited, and delivers awareness raising activities and training to improve knowledge and skills to help prevent child sexual exploitation and to improve support for victims.
- 3.7 This support is extended for Looked After Children up to the age of 21 and living within the M25. There is a specific focus on specialist services ensuring expert support and professionalism is provided for those children with special needs or a disability.
- 3.8 Each young person allocated a direct service will have been identified as being at risk of sexual exploitation under the London Safeguarding Children Board procedure *Safeguarding Children through Sexual Exploitation* and will be under review via multi-agency planning meetings.

Contract History

- 3.9 A contract is currently held with Barnardo's to provide a specialist programme of support, working with young people to divert them from the risk of sexual exploitation by engaging with them and reducing risk taking behaviours. The contract supports two dedicated practitioners, working four days per week (combined), for a caseload of up to 15 young people receiving the service at any one time, which includes one-to-one counselling and family support. The support workers are located at the Civic Centre, working alongside the Children's Social Care Atlas team as part of an overall service providing support to children and young people at risk of sexual exploitation. The contract also delivers training sessions to Bromley social workers as well as attendance at Multi Agency Panels.
- 3.10 The contract has been held with Barnardo's since 2012/13. In the first year of operation, the service was provided at no cost to Bromley as part of a government funded initiative to develop and improve the services on offer to prevent CSE.
- 3.11 Subsequently, the contract has continued to be placed with Barnardo's through multiple extensions and/or award of contract through exemption to competitive tender. The current contract ends on the 30th September 2017. The cumulative value of the contract, based on actual expenditure to date, is £180k. The contract has had the following extensions:
- April 2013 – March 2014 at a cost of £40k
 - April 2014 – March 2015 at a cost of £40k
 - April 2015 – March 2016 at a cost of £40k
 - April 2016 – June 2016 at a cost of £10k
 - June 2016 – March 2017 at a cost of £30k
 - March 2017 – September 2017 at a cost of £20k
- 3.12 During the period of the contract, the service has been directed, and has undertaken, to let the contract through a competitive tendering process. Although specification design and tender preparation has commenced previously, a competitive tender has yet to take place for this service.
- 3.13 In 2016, the tender process was placed on hold due to the OfSTED inspection of Children's Social Care services. It was felt at the time that it would be prudent to await the outcome of the inspection as the specification for the service may need to be redesigned.
- 3.14 The OfSTED inspection of Children's Social Care in May 2016 identified that the scope of the CSE service was too limited and it was insufficient to meet a wider range of identified service user needs. At that time the service comprised of the Barnardo's workers and two officers to assist with multi agency meetings (although this was not their primary role).
- 3.15 In light of the OfSTED inspection it was agreed that a different strategy was required to tackle CSE. This led to the formation of the Atlas Team in January 2017 which consists of police officers, a data analyst, two return home interview officers, a senior practitioner, a manager and the dedicated practitioners provided under the Barnardo's contract. This ensured a multi-agency, holistic approach to CSE, with the dedicated practitioners provided under the contract embedded into the Atlas team, integral to the process rather than being seen as an external service.
- 3.16 The Atlas team is still in the process of establishing itself, including evaluation of the demand for its services and the capacity and effectiveness of the new structure. An OfSTED monitoring visit, focusing on CSE, took place in August 2017 and the feedback on Bromley's new approach

to CSE will help to confirm whether it is on the right track and further shape the long term vision for the CSE service.

- 3.17 Initial feedback from the visit was positive in relation to social work improvement but concerns were raised around the lack of resources around CSE as identification of issues become more apparent, along with managing more risk. Currently there is only the Barnardo's service in Bromley for victims of CSE.
- 3.18 Extending the Barnardo's contract for a further year will allow officers sufficient time to consider the comments of Ofsted, future demands on the service, the impact of the Atlas Team and how these services need to be commissioned going forward.
- 3.19 The service is seeking further continuation of the current contract arrangements with Barnardo's, via an exemption to competitive tendering, for a twelve month period. This will ensure the continuity of this service and will allow time to confirm a recommended option for the future delivery of the service, informed by full year data of the performance of the new Atlas service.
- 3.20 Potential future delivery options include the tendering of the service based on a new specification informed by the Atlas team delivery to date and the feedback from OfSTED monitoring visits; or to bring the service fully in-house. Initial enquiries on the TUPE implications of doing so indicate that TUPE would apply to at least one worker.
- 3.21 A Gateway review on the recommended future delivery options of the Child Exploitation Service will be prepared by early 2018 and reviewed by the Commissioning Board before proceeding.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 Young people who are at risk of CSE are extremely vulnerable and susceptible to further risks if not engaged with or supported. Providing a one to one CSE support service will ensure these vulnerable children are supported and safe.
- 4.2 If this contract was not to continue it would place vulnerable children at risk as there would be no therapeutic support service to victims of CSE.
- 4.3 Improving the lives of vulnerable children in Bromley is at the heart of this proposal.
- 4.4 There is no impact on vulnerable adults associated with this report.

5. POLICY IMPLICATIONS

- 5.1 Ensuring the best possible future for the children and young people of Bromley with a clear focus on supporting the most vulnerable is a key objective for Children's Social Care and contributes towards *Building a Better Bromley*.

6. PROCUREMENT IMPLICATIONS

- 9.1 The services provided by Barnardo's are covered by the 'Light Touch Regime' referred to in Schedule 3 of the Public Contracts Regulations 2015. As such, contract awards, exemptions and extensions are primarily governed by the Council's Contract Procedure Rules and Financial Regulations.
- 9.2 Rule 3.2 of the Council's Contract Procedure Rules state 'where there is the need to *Waive* the requirements for Competitive *Bids* pursuant to Rule 13.1 or any other provision of these Contract Procurement Rules because of an unforeseeable emergency involving immediate risk to persons or property or serious disruption to Council services or significant damage or

potential damage to the image or reputation of the Council (including circumstances which require a Head of Service to invoke a *Business Continuity Plan*), a Chief Officer may exercise such *Exemption* or *Waiver* subject to the following:

(i) Where the value of a relevant contract (or proposed contract) exceeds **£50,000** the *Agreement* of the Director of Corporate Services shall be obtained.

(ii) Where the value of a relevant contract (or proposed contract) exceeds **£100,000** the *Agreement* of the Director of Corporate Services, *the Director of Finance* and the *Agreement* of the relevant Portfolio Holder shall be obtained. A report advising on the action taken shall be submitted to the Audit Sub Committee on a bi-annual basis.

7. FINANCIAL IMPLICATIONS

- 6.1 The service is funded from 2 separate areas of the Children’s Social Care budget, the council’s own base budget and Tackling Troubled Families (TTF) grant (subject to the drawdown being agreed by the Executive).
- 6.2 As with any service wholly or partly funded from grant, this funding will need to be reviewed when the future delivery options are looked at in 2018 to ensure current funding is still available. If this is not the case then alternate funding will have to be sought or the service discontinued.
- 6.3 The Atlas Team consists of 6 ftes and sits within the Referral and Assessment service area. In the main it is core funded (5 out of 6 posts). Additional funding was added to the budget for the team by the Council under the post inspection funding.
- 6.4 There is one post funded by SWIF where the funding ceases in 2017/18. Future funding will need to be identified. The total budget for staff is £248k.

8. PERSONNEL IMPLICATIONS

- 7.1 There are no direct Personnel Implications arising from this report as the staff engaged in currently delivering the service are not employed by the Council.

9. LEGAL IMPLICATIONS

- 8.1 The service is a “light touch” service under Schedule 3 of the Public Contracts Regulations 2015 and as the contract value is below the relevant threshold does not need to be procured in full compliance with the Regulations. As the value of the proposed new contract is below £100,000 in value there is no requirement to formally tender the Contract under the Council’s Contract Procedure Rules. However there is a requirement under Rule 8.2. to request three quotes. An exemption from such requirement can be granted under Rule 13 by the relevant Director of Corporate Services and Director of Commissioning and Director of Finance with approval of portfolio holder and report to Audit Sub-Committee.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]