

Decision Maker: Portfolio Holder -Children Education and Families

Date: Tuesday 15 June 2021

Decision Type: Non-Urgent Executive Non-Key

Title: **CONTRACT EXTENSION - FAMILY GROUP CONFERENCE (FGC) SERVICE**

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Chief Officer: Janet Bailey, Director Children's Social Care

Ward: All

1. REASON FOR REPORT

- 1.1 The Family Group Conferencing (FGC) service is a key tool in early intervention used in the prevention of children entering the care system. The current contract is held by Daybreak Family Group Conferences, following a competitive tender, and this contract has been in place since 1 April 2019, and has an estimated annual value of £90k per annum, for a minimum of 75 FGC's.
- 1.2 The contract award was for 3 years, from 1 April 2019 to 31 March 2022, with the option to extend for a further two years dependent on satisfactory service delivery. The contract is now coming to the end of the initial term.
- 1.3 This report is seeking authorisation to apply the formal two-year extension, totalling approximately £180k for the two years, and extend the contract with Daybreak from 1 April 2022 to 31 March 2024. This will increase the cumulative value of Bromley's contract with this provider to £554k, inclusive of all variations and extensions.
- 1.4 The extension is recommended primarily because, the arrangement continues to offer value for money, meeting the statutory requirement and the provider is delivering the service at a very good standard.
- 1.5 As the total value of this extension is £180k, this extension decision sits with the Portfolio Holder.
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2. RECOMMENDATION(S)

- 2.1 The Children, Education and Family PDS Committee is asked to note and comment on the contents of this report.
- 2.2 The Portfolio Holder for Children, Education and Families is recommended to approve the extension of the contract for up to 2 years as specified in the original contract award document, from 1 April 2022 to 31 March 2024 at an estimated annual value of £90k (whole life value of £554k)

Impact on Vulnerable Adults and Children

1. Summary of Impact: This will have a positive impact on vulnerable children and families, giving the children the best opportunity to remain within the family.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People.
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Financial

1. Cost of proposal: Estimated Cost £90k per annum
 2. Ongoing costs: £90k per annum
 3. Budget head/performance centre: 808160~3695~00000
 4. Total current budget for this head: £90k
 5. Source of funding: Core
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Staff

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

1. Legal Requirement: - Education Act 2002 (Section 175), Children's Act 2004 (Section 11), duty to safeguard and promote the welfare of children.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Family Group Conferencing (FGC) service is a key tool in early intervention used in the prevention of children entering the care system. A Family Group Conference (FGC) is a decision-making meeting in which a child's wider family network come together with the relevant agencies to make a plan for the future care arrangements for the child. The Conference ensures that the child's safety and wellbeing is promoted and that they are an active participant in the plan that is being made for them. A Family Group Conference must be facilitated by an independent co-ordinator.
- 3.2 FGCs originated in New Zealand where they have been used since the 1970s. They are now used in many local authorities as part of the legal planning process in safeguarding, and have considerable benefits in working with children and families to find family-based solutions:
- To keep children safe by preventing the occurrence and re-occurrence of child abuse and neglect;
 - To keep children within their family;
 - To include family members in the creation of their own plan, increasing their motivations and facilitating implementation of actual services provided for children and their families;
 - To strengthen and extend the support networks within and around the family;
 - To increase the number of children and young people living safely with immediate or extended family or friends;
 - To develop plans for children in care which are supported by extended family and significant people in the child or young person's life;
- 3.3 Family Group Conferences can potentially prevent children and young people coming into care or can facilitate returning children to the family from care. And generally, FGC's feed into the decision-making process for children going into legal planning.
- 3.4 The current FGC contract was awarded to Daybreak Family Group Conferences, following a competitive tender process. The contract commenced on 1 April 2019 for a three-year period with the option to extend for a further two years, subject to satisfactory performance. The contract will expire on 31 March 2022 unless the extension option is applied.
- 3.5 The estimated value of the contract is £90k per annum for a minimum of 75 FGC's and 5 reviews, with a whole life value of £450k. The provider is paid at fixed unit rates per Conference or Review Conference delivered, based on referrals made by the Children's Social Care teams.
- 3.6 The contract with Daybreak was varied in 2019 as result of the council's successful bid for additional funding from the Department for Education (DFE) - the Supporting Families; Investing in Practice Programme (SFIPP) fund. This funding was for the delivery of additional FGC's as part of an externally evaluated project. The additional funding is £104,300 for 18 months; As the provider delivering the project is Daybreak, the cumulative value of their contract with LBB rose to £554k (£450k whole life value of contract) +£104k (SFIPP funding).
- 3.7 Performance on the contract against Key Performance Indicators is generally good, with the exception of the 35 working day target between referral and the date of the Conference. During the first year of the contract 2019/20, only 58% of referrals achieved this target, reflecting the complexity of co-ordinating the participants to a mutually convenient date for each Conference. This is regularly monitored during the monitoring meetings and an action plan was put in place to address this.
- 3.8 Feedback from the provider indicates that LBB tend to provide a more detailed plan for what they want to achieve regarding the outcome of an FGC than other boroughs, thus allowing them to focus on the outcomes. Monitoring information also indicates that in 95% of the completed FGC cases, a carer has been identified and the plan has been achieved.

3.9 The Portfolio Holder for Children, Education and Families is asked to authorise the application of the available formal extension option for a period of up to two years; the specific duration of the extension will be confirmed to the provider once authorisation has been granted.

4. SUMMARY OF THE BUSINESS CASE

- i) The aim of this report is to seek authorisation from the Portfolio Holder, to exercise the option to extend, the existing Family Group Conference Contract with Daybreak for 2 years, from 1 April 2022 to 31 March 2024.
- ii) To date, the provider has offered a good service, and overall performance of the contract is generally good. The service was able to operate well during the height of the COVID-19 pandemic, by working closely with LBB and utilising the telephony system to conduct conferences remotely. The service lead is very happy with the contract outcomes.
- iii) The extension will: -
 - Offer continuity of service and will allow enough time to further test the market, and for a procurement exercise to be completed.
 - Support the provider market, as some providers may have been impacted and will not be in the position to bid (for example bid writers on furlough) and may have depleted resources only available to support residents, rather than available to prepare for a tender.
 - Ensure that future tenders are financially stable (clearer post pandemic)

4.1 SERVICE PROFILE/DATA ANALYSIS

- 4.1.1 The FGC service is delivered by Daybreak; the contract was awarded in 2019 following a competitive tender. The contract commenced on 1st April 2019 for a three-year period with the option to extend for two years.
- 4.1.2 Tables 1 and 2 provide an overview of how the service has performed over the first 2 years, whilst Tables 3 and 4 show a further breakdown of how the service performed.

Table 1

2019/20		
For referrals received up to 31st March 2020		
Contract	FGC	75
	Reviews	5
Actual	FGC	66
	Reviews	0
Remaining	FGC	+9
	Reviews	+5

4.1.3 Table 1 above, shows that during the first year of the contract that 66 FGC's were completed with no additional reviews, the impact on the numbers was realised in the last quarter of 19/20 and was related to the onset of the Covid 19 lockdown when referrals and take up numbers started to drop.

4.1.4 **Table 2**

2020/21		
For referrals received up to 31st March 2021		
Contract	FGC	75
	Reviews	5
Actual	FGC	95
	Reviews	0
Remaining	FGC	-20
	Reviews	+5

Table 3

Children & Young People Quarterly Service Monitoring - Family Group Conference 2019 2020

	Qtr.1 Apr - June	Qtr.2 July - Sept	Qtr.3 Oct - Dec	Qtr.4 Jan - Mar	Total to Date
Referrals					
No. of referrals in the quarter	22	24	19	29	94
Information on Conferences in quarter					
The No of conferences undertaken in the quarter 1 referrals had 2 FGC's	15	18	17	16	66
The No of reviews undertaken in the quarter	0	0	0	0	0
The No. of cases referred but conferences not carried out during quarter	16	16	12	7	51
Total	31	34	29	23	117

Table 4
Children & Young People Quarterly Service Monitoring - Family Group Conference 2020- 2021

	Qtr.1 Apr - June	Qtr.2 July - Sept	Qtr.3 Oct - Dec	Qtr.4 Jan - Mar	Total to Date
Referrals					
No. of referrals in the quarter	25	25	19	42	111
Information on Conferences in quarter					
The No of conferences undertaken in the quarter	20	27	21	27	95
The No of reviews undertaken in the quarter	0	0	0	0	0
The No. of cases referred but conferences not carried out during quarter	6	7	6	3	22
Total					117

4.1.5 Table 4 data also showed lower numbers in Quarters 1 and 2 of year 20/21, however by quarter 3 numbers started to rise as confidence in the new way of offering conferences i.e. via video, increased amongst service users. By quarter 4 of 2020/21 the numbers of FGC's at 95 has far exceeded the minimum number of 75.

4.1.6 It should be noted however that as no reviews have been completed over this two-year period, LBB has negotiated with the provider to convert the unused reviews into FGC's. 2 reviews equate 1 FGC, therefore for the 10 unused review for 2019/20 – 2020/21 will give an additional 5 FGC's to be counted towards the overall total. These figures will continue to be monitored.

4.1.7 Spend

The estimated annual cost of this service is £90,000 for a minimum of 75 FGC's and 5 reviews per annum, table 3 shows the spend to date. There is the likelihood that these figures could increase if the number of FGC's continue to rise, and this is being monitored closely through the quarterly monitoring process.

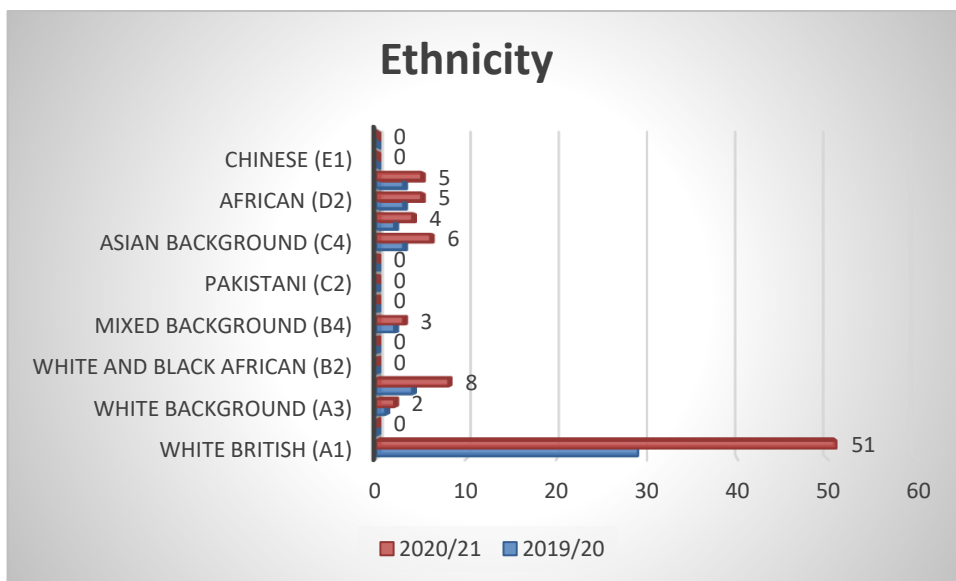
Table 5

Year 1 (2019/20)		Year 2 (2020/21)		Year 3 (2021/22)	
Projected Spend	Actual Spend	Projected Spend	Actual Spend	Projected Spend	Actual Spend
£90,000	£ 84,840	£90,000	£ 84,840	£90,000	Not known

4.1.8 Ethnic breakdown

Analysis of the monitoring data also indicates that that there is a predominance of white British families being offered FGC's, this has been noted by the LBB service, to look at the referral process to ensure that there is parity to all LBB families in the referral process.

Figure 1



4.2 OPTIONS APPRAISAL

4.2.1 Option 1 - Extend current arrangements for 2 years

- The conditions for an extension were based on satisfactory performance by the provider, and the service appears to be operating very well, providing good outcomes for LBB families.
- Extending for up to 2 years will allow for service continuity and will allow time for a re-tender in spring 2023.
- The service is offering value for money by keeping children from going into care.

4.2.2 Option 2- Do not extend, and terminate contract at the end of contractual period

- This option does not offer value for money, as there are no alternate plans in place to offer the service differently e.g. in house.
- It would incur additional costs of carrying out an extensive tendering exercise that may not yield any added value at this time .

4.2.3 Option 3 – Do Nothing

- This is not an option to be considered. As the contract would come to a natural end with no service in place to provide this statutory service.

4.3 PREFERRED OPTION

4.3.1 Preferred option is Option 1 as stated in section 4.2.1

4.4 MARKET CONSIDERATIONS

- 4.4.1 The use of FGC's in Bromley has been consistent and will continue to be as they are a valuable tool in preventing young people entering care. Due to the preventative nature of FGC's it has been difficult to assess the impact they have had.
- 4.4.2 Market research has highlighted the fact that there are at least five well known FGC providers who offer this service, Daybreak being one of them.
- 4.4.3 Benchmarking with similar services and across other local authorities indicated that the average cost of an FGC comes to about £1,300 including reviews. Benchmarking also highlighted that some boroughs either offered the service in-house using their own conference coordinators and casual staff or bought in the whole service.
- 4.4.4 At present LBB is operating at below this figure at £1,200 per FGC based on the minimum number of 75 packages

5. STAKEHOLDER ENGAGEMENT

5.1 Initial feedback from operational colleagues has been positive; they have found the service very responsive in meeting the needs of the families involved. Further feedback includes the following:-

- *Brought the family together, put differences aside in order to put xxxx and unborn xxy first. They worked well together.*
- *The family had space to pull together a robust plan to support the children & Family.*
- *The family came together to make their own plan in response to the agency's concerns; in this way they were empowered to find their own solutions. A RFGC enabled family members to set aside the time they needed to be able to work together, and by the end of the meeting they had come up with a robust plan.*
- *Although the remote meeting worked well, it would of course have been preferable to hold the meeting in person, yet due to Covid-19 measures this wasn't possible. That said, the family members worked really well and supported each other, and they were obviously very comfortable with their social worker so in this instance, I don't think the remote meeting disadvantaged them.*

The family seemed a bit anxious about having their plan ready to send to the co-ordinator by the required time; the nominated family member has a busy life with children and a demanding job and I think the deadline seemed to concern her.

5.2 **Feedback from families include the following:-**

- *Found it very useful, we all expressed concerns, comments & got a good plan for the future. Thank you for providing the room to meet and providing the food, it made the experience more relaxed. Sharon was very helpful & kind and made the meeting very smooth. Thank you. Yes we made a very useful plan.*
- *I think the meeting was beneficial, nice for everyone to get together to support xxx.*
- *Personal view, think the kids are still at risk. Left feeling in limbo as to outcome.*

- *Action plan has been made. Sharon has been very helpful and understanding and I look forward to working with her and her support in the future. I am very happy friends & family have come together to show support.*

5.3 **Feedback from Children and Young people include the following:-**

- *My whole family helped me say what I wanted to say.*

6. **PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS**

6.1 **Estimated Contract Value** –£90k per annum

6.2 **Other Associated Costs** – N/A

6.3 **Proposed Contract Period** – This extension is from 1 April 2022 to 31 March 2024

7. **SUSTAINABILITY AND IMPACT ASSESSMENT**

- 7.1 FGC's aim is to help the family use their knowledge and experience to make sure the child, young person, or vulnerable adult is safe where they live and can develop as an individual. The child, young person or adult are encouraged to take part in the decisions that directly affect them.
- 7.2 There is the potential for risk if children and young people and their families do not have timely access to support services that can make the difference between a child staying with their family and being taken into care. If a child or young person is deemed to meet the eligibility criteria for social care services, the council is obliged to fulfil its statutory duty. Joining this consortium to provide this service mitigates this risk.
- 7.3 The positive impact on vulnerable children is to aim to prevent them entering care in the first instance and returning them to the family home where possible.
- 7.4 Improving the lives of vulnerable children in Bromley is at the heart of this proposal.
- 7.5 Equality monitoring forms part of the contract monitoring process, and a new Equalities Impact Assessment will be completed as part of the procurement strategy considerations

8. **POLICY CONSIDERATIONS**

- 8.1 **Transforming Bromley Road map (2019 – 23) – Children's Services and Education Work stream** - Ensure that the delivery of children's services and education is sustainable and helps our children and young people at the earliest point of need.
- 8.2 **Bromley Children and Young People's Plan 2018 -21** Key priorities of Early help and to deliver improved outcomes for our children and young people.

9. **IT AND GDPR CONSIDERATIONS**

9.1 N/A

10. PROCUREMENT RULES

- 10.1 The report seeks a two-year extension to the contract with Daybreak Family Group Conferences, utilising the formal extension options built into the contract, the value of the proposed extension being an estimated £180k.
- 10.2 The Council's requirements for authorising an extension are covered in CPR 23.7 and 13.1. For an extension of this value, the Approval of the Portfolio Holder following Agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services, and the Director of Finance must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 10.3 Following Approval, the extension must be applied via a suitable Change Control Notice, or similar, as specified in the contract.
- 10.4 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

11. FINANCIAL CONSIDERATIONS

- 11.1 The value of the proposed two year extension is £90k per annum
- 11.2 The first two years of the contract have outturned at £85k per annum
- 11.3 There is sufficient budget within the service to maintain this contract extension

12. PERSONNEL CONSIDERATIONS

- 12.1 N/A

13. LEGAL CONSIDERATIONS

- 13.1 The Council has various legal duties and powers towards the safeguarding and promotion of the welfare of children under the Education Act 2002 and Children Act 2004. In furtherance of these powers, the Council has the legal power to enter into a Contract with the Provider of Daybreak Family Group Conferences and may provide and commission through a contract the services outlined in this report.
- 13.2 This Report also seeks approval of a formal two year extension option to extend the current Contract held with Daybreak Family Group Conferences (following a competitive tender process) for two years, from 01.04.22 to 31.03.24 at an estimated annual cost of the extension of £90k for a minimum of 75 FGC's. The Contract was in place since 01.04.19. The Contract awarded was initially for three years from 01.04.19 to 31.03.22 with the option to extend for a further two years. The contract's estimated whole life cost over the whole life of the extension is £180k. The contract's overall whole life cost over the whole life is £554k (i.e total cumulative spend inclusive of extensions).
- 13.3 Under the Council's Contract Procedure Rules (CPR's), the Councils requirement for authorisation of an extension to a Contract, must be made in accordance to CPR 23.7 and 13.1. Under 13.1 of the CPR and guidance, the decision to approve the extension, must be made by the approval of the Portfolio Holder for Children, Education and Families, in agreement of the Budget Holder, the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance. In accordance with CPR 2.1.2, all Officers must take all necessary professional advice.

- 13.4 Following Approval, the extension/renewal of the Contract must be applied via the appropriate Change of Control Notice, or similar method signed by both parties, as specified in the contract.
- 13.5 The Contract can be awarded in accordance with the Council's Contract Procedure Rules

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