

**Open Report on behalf of Janice Spencer OBE, Interim Director of Children's Services**

Report to:	<b>Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services</b>
Date:	<b>29 July 2019</b>
Subject:	<b>Commissioning of Lincolnshire Leaving Care Service from 2020</b>
Decision Reference:	<b>I018113</b>
Key decision?	<b>Yes</b>

**Summary:**

This report makes recommendations for the future commissioning of the Lincolnshire Leaving Care Service from 1 April 2020.

The Leaving Care Service supports Lincolnshire County Council to meet its statutory responsibilities set out in the Care Leavers (England) Regulations 2010 and the Children Act 1989.

Barnardo's has delivered the Lincolnshire Leaving Service Care contract since 2007. The current contract has been in place since 2015. The annual contract value is £1,258,038 (comprising core contract cost of £1,098,155, and £159,883 for an accommodation worker post and extended duty to 21+ year olds). The current contract is due to expire on 31 March 2020 and cannot be extended further.

A service review has been completed and the findings of this are set out in the Commissioning Plan at Appendix A.

Some changes are recommended to the service model. The biggest recommended change is the earlier allocation of care leavers to the service at age 16 years, so that care leavers can be supported by their Social Worker and a Leaving Care Worker for two years prior to fully transitioning to the Leaving Care Service at age 18. There are significant benefits expected from this new model for care leavers but alongside projected increases to care leaver numbers it is recommended to increase the service budget to £1.5m annually.

It is recommended that the Leaving Care Service is commissioned through an open competitive tender process and that a maximum contract period of five years (three years with the option to extend for up to two further years) is agreed.

**Recommendation(s):**

That the Executive Councillor for Adult Care, Health & Children's Services:

1. Approves the new proposed model of service delivery for the Leaving Care Service from 1 April 2020.
2. Approves that the Leaving Care Service will be procured through an open competitive tender process and that the new contract for services will commence on 1 April 2020 and run for up to five years (three years with the option to extend for up to two further years).
3. Delegates to the Interim Director for Children's Services, in consultation with the Executive Councillor for Adult Care, Health and Children's Services, authority to approve the service specification for the Leaving Care Service and approve the final form of contract to be utilised and the award of a contract to the successful supplier.

**Alternatives Considered:**

1. Do nothing i.e. continuing with current contractual arrangements and not altering services or funding.
2. Decommissioning i.e. not commissioning any services beyond existing contracts and so that the service would effectively cease.
3. In-sourcing i.e. bringing the services within the Council with staff potentially being subject to TUPE rights and then being employed and managed by the Council.

The relative merits of these options are analysed in the Commissioning Plan at Appendix A.

**Reasons for Recommendation:**

- Re-procurement of the Leaving Care Service from an external provider will enable the service to retain some independence from the Council – this is seen as a benefit by young people.
- Re-procurement will allow the provider market to be tested in line with the Public Contract Regulations 2015 to ensure the highest possible quality of service is secured that offers value for money.
- The new model will enhance the service for care leavers, in particular, the earlier allocation at age 16 of care leavers will provide a better planned transition for young people from care which should improve their outcomes and progression into independence, and which reflects national good practice.
- The new model of earlier allocation at 16 will create capacity within social care teams.

## **1. Background**

The Leaving Care Service is currently commissioned by Lincolnshire County Council (LCC) Children's Services and Barnardo's is the incumbent supplier; the current contract is due to expire on 31 March 2020 and it cannot be extended beyond this.

The total annual contract value (direct LCC expenditure) for the Leaving Care Service in 2018/19 was £1,258,038. However, analysis shows the direct service cost once additional supplier activity is factored in to be £1,430,509 per annum. The Council also spends £659,535 on indirect costs associated with care leavers.

A commissioning review of the Lincolnshire Leaving Care Service commenced in July 2018. The review considered local and national policy requirements, local need and feedback from Leaving Care Service users (care leavers) and professionals, the performance of the existing Leaving Care Service, a comparison against Leaving Care Services in other areas and the supplier market. The findings of this are set out in the Commissioning Plan at Appendix A.

The Council has extensive statutory responsibilities for care leavers. These are set out in more detail in the Commissioning Plan at Appendix A. The current Leaving Care Service is meeting statutory requirements and the recommended future delivery model aligns to recommendations made in national policies as well as a number of Ofsted inspections noting the benefits of allocating Looked After Children (LAC) with a Leaving Care Worker at age 16.

In April 2019, Children's Services Directorate Leadership Team (DLT) considered the findings of the review and the recommendations for the future commissioning of the Lincolnshire Leaving Care Service from 2020.

The final recommendation was that the Lincolnshire Leaving Care Service should be re-procured through an open competitive tender in line with the Public Contract Regulations 2015. It was acknowledged that the indicative contract value would be £1.5m per annum, accounting for the anticipated additional staffing requirement around earlier allocation at 16, as well as consolidation of current funding arrangements which have 'bolted-on' delivery elements (accommodation worker and the extension of the offer to 21-25 year olds) of £159,883 per annum to the core contract cost of £1.1 million per annum, and the fact that the current levels of activity from the incumbent provider cannot be guaranteed within existing pricing levels as a result of any future procurement exercise.

DLT approved the recommendations, which were further agreed at the Commissioning and Commercial Board in May 2019 following the submission of the Commissioning Plan for the Lincolnshire Leaving Care Service (see Appendix A).

### **Current delivery model**

Looked After Children (LAC) currently transition to the Leaving Care Service from social care at the age of 17½, with the allocated Leaving Care Worker typically attending the last LAC review as a means of formal handover.

Some Care Leavers continue to have a social worker beyond 17½, but the majority are supported from this point by the Leaving Care Service until they are 21 years old. This also takes into account the extended duty to offer Personal Adviser support (information, advice and guidance) to all Care Leavers up to the age of 25, regardless of continued access to education.

The numbers of 16 and 17 year olds in care has increased by 20% since 2014, all of whom have since transitioned to the Leaving Care Service. The contract value of the Leaving Care Service contract has not increased, other than to provide additional funding for the extension of the Information, Advice and Guidance (IAG) service to 21 – 25 year olds as a result of updates to the Children and Social Care Act 2017.

Analysis of current performance in the Commissioning Plan in Appendix A shows this is largely good with Key Performance Indicators around percentages of care leavers in suitable accommodation and percentages in employment, education and training consistently outperforming national averages.

### **Needs summary**

A Strategic Needs Analysis has been completed as part of the review and the key findings are summarised in the Commissioning Plan in Appendix A. They are:

- In March 2019, the Leaving Care Service was working with 335 young people, 22% more than February 2018.
- Average caseloads are 27 per worker; by comparison Nottinghamshire Leaving Care service has an average of 25 cases.
- In October 2018, nearly 400 young people were subject to a Special Guardianship Order, 93 of whom are aged 11+ years, and who may be entitled to a Leaving Care Service, should they request it, between 2020-2025.

### **Proposed delivery model**

The 'twin-track' model of delivery, i.e. earlier allocation to Leaving Care at 16 years, so that both social care and Leaving Care support the care leaver to the age of 18 years, is a model of delivery that has attracted many 'Outstanding' sub-judgements from Ofsted.

During stakeholder engagement, care leavers felt there could be improvements to the amount of time given to nurturing relationships with Leaving Care Worker. They felt earlier allocation to Leaving Care would promote stronger relationships, and facilitate information sharing about available services and options before and after they transition to the service.

Under the proposed model, a Social Worker would retain statutory oversight of any young person supported by Leaving Care between 16 and 18 years, whilst a reduction in active day-to-day social work involvement would help build relationships with the Leaving Care Worker and encourage independence. Joint allocation and active involvement for a longer period would happen for young people becoming LAC after the age of 16, with the two elements running in

tandem, alongside the ongoing work of the Virtual Schools Team, for a more sustained period.

Extension of the service to a 16+ model would draw in over 150 additional young people into the Leaving Care Service per year, incurring additional costs of c. £158,000 per annum (resulting in an indicative overall tender estimate cost of £1.5m per annum).

Number	Cohort
127	16 – 17 year old Care Leavers
16	16 -17 year old Care Leavers in FAST to move to LAC
8	LASPO – move to LAC
18	Average arrival rate for UASC per annum – to move to LAC
<b>Total = 169</b>	

Table 2: Number of 16-17yrs LAC who sit outside the current Leaving Care Service structure

**Options considered**

The review focused on four main options:

- Option 1 – do nothing: continuing with current contractual arrangements and not altering services or funding.
- Option 2 – decommissioning: not commissioning any services beyond existing contracts and so that the service would effectively cease.
- Option 3 – in-sourcing: bringing the services within the Council with staff potentially being subject to TUPE rights and then being employed and managed by the Council.
- Option 4 - procurement by means of an open competitive tender: going out to the market, by means of a competitive tender process, with the intention of continuing to outsource the service to meet the requirements of service users.

The recommended commissioning option is Option 4.

The Commissioning Plan (Appendix A) evidences the reasoning behind the recommendation, namely:

- Retaining an element of independence from the Council that feedback from care leavers demonstrates they value in a Leaving Care Service.
- The outsourced service currently performs well in terms of Key Performance Indicators related to suitable accommodation, and education, employment and training.
- The new model will enhance the service for care leavers, in particular, the earlier allocation at age 16 of care leavers will provide a better planned transition for young people from care which should improve their outcomes and progression into independence.
- The model will enhance collaborative working and strengthen relationships with LAC teams and the Virtual School team. It will also reduce involvement of Social Workers in day-to-day support to care leavers in all bar the most vulnerable cases freeing up social work time for younger LAC.

- Make best use of available resources by ensuring the highest possible quality of service is secured that offers value for money.

## **2. Legal Issues:**

### **Equality Act 2010**

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

An Equality Impact Assessment has been initiated as part of the service review and, whilst it is an ongoing document, the latest version is attached as Appendix 4 to the Commissioning Plan (Appendix A).

The key change around earlier allocation at 16 years is based on a twin-tracking delivery model whereby the Social Worker and Leaving Care Worker will have distinctive roles to play alongside the Virtual School Team when supporting young people from the age of 16 years whilst both contributing to the overall goals of the Pathway Plan. Prior to children turning 18 years old, the Social Worker will retain oversight of the Pathway Plan and LAC reviews, meaning that the Leaving Care Workers will be required to offer the operational input to support with the preparation for adulthood up to this age, after which they will be the sole caseworker.

It is not otherwise anticipated that there will be significant changes to existing arrangements other than earlier allocation, therefore there are no significant adverse impacts envisaged.

### **Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)**

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

The [Lincolnshire Joint Strategic Needs Assessment](#) includes a number of topic areas that impact on the care leaver cohort, including:

- Looked After Children
- Mental Health and Emotional Wellbeing (children and young people)
- Special Educational Needs and Disability
- Young People in the Criminal Justice System
- Mental Health (adults)
- Substance Misuse
- Financial Inclusion
- Housing and Health

All topics have been reviewed during the service review of the Lincolnshire Leaving Care Service and will inform the development of both the service specification and the method statement within the procurement documentation.

The [Lincolnshire Health & Well Being Strategy 2018](#) includes seven identified priorities, three of which have an impact on the care leaver cohort:

#### **Mental Health & Emotional Wellbeing (Children & Young People)**

Lincolnshire Leaving Care Service (LLCS) currently offer support to care leavers from 17 ½ years, and it is recommended that earlier allocation to LLCS will happen at 16 under new commissioning arrangements.

Earlier allocation to the Leaving Care Service at 16 years, with ongoing support through to 21 and to 25 if needed, will form a strong relationship platform and provide opportunities to work with the young person to identify positive networks (including through the Life Links project), access relevant support and health services.

This aligns to recommendations made in national policies as well as a number of Ofsted inspections noting the benefits of earlier allocation and which includes the report from Mark Riddell ([National Implementation Adviser for Care Leavers' First Year Report October 2017 to October 2018](#)) which explores areas of good practice in other local authorities and which repeatedly references the benefits of a 16+ model and the importance of effective relationships around good mental health and resilience.

### **Mental Health (Adults)**

As above, with the focus on supporting older care leavers to have resilience and effective support networks to achieve independency in adult life. Care Leavers have indicated through engagement opportunities held as part of the service review that they experience loneliness and isolation, exacerbated outside of core service hours.

It is notable that mental health issues were one of the main reasons for returning to the Leaving Care Service during 2018-19, which was the first year of the extended service offering Personal Advisers to 25 years.

### **Housing and Health**

A core element of the Lincolnshire Leaving Care Service is related to the statutory 903 return to the Department for Education regarding the numbers of care leavers in suitable accommodation.

In 2018-19, Lincolnshire had an average of 93% of all care leavers in Suitable accommodation against a national figure of 84% (March 2018 being the most recently available national statistic).

Lincolnshire Leaving Care Service employs an Accommodation Worker who works with the young people and their Leaving Care Workers to identify appropriate and affordable accommodation.

Care leavers also benefit from strong and effective access to Youth Housing, where they can stay until they are 21, and are supported through county-wide Local Connection agreements with all District Councils to ensure access to appropriate housing is maximised. Care leavers in Lincolnshire are also exempt from Council Tax payments.

Lincolnshire Leaving Care Service manage the New Homes Grant for care leavers on behalf of the Local Authority, ensuring young people are able to equip their first homes, and also advocate other support including rent gap payments and accommodation support whilst at University.

## **Crime and Disorder**

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The Lincolnshire Leaving Care Service (LLCS) offers support to vulnerable young people who are at risk of isolation and will be able to extend this support through the earlier allocation at the age of 16 of Looked After Children to the service, enabling strong and supportive relationships to be developed that can have a positive impact on outcomes and behaviours.

Care leavers continue to receive support from the Lincolnshire Leaving Care Service whilst they are in custody and the service will continue to support young people who are at risk of committing or experiencing crime and disorder and the expectation is that the LLCS will continue to work closely with relevant agencies - including Addaction, the Probation Service, Youth Offending Service and Futures 4 Me - to support young people to make positive choices.

### **3. Conclusion**

The proposed commissioning approach will provide the opportunity to enhance the service specification of the current Lincolnshire Leaving Care Service contract, ensuring it is developed to meet best practice guidelines and the needs of the care leaver cohort for the maximum contract period of 5 years (2020-2025), improving the level of provision and outcomes achieved for Lincolnshire children and young people.

The extension of the Leaving Care Service model to allocate a Leaving Care Worker at 16 years from 2020, twin-tracked with social care to the age of 18, will provide opportunities to develop effective and collaborative relationships with young people and other professionals, and will support young people to independence, whilst achieving capacity within in-house social care teams to support other vulnerable children and young people.

In addition, the proposed methodology offers the opportunity through competitive procurement to ensure the Council is achieving best value for money to achieve maximum outcomes for some of its most vulnerable young people.

#### **4. Legal Comments:**

The Council has the power to enter into the contract proposed.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor if it is within the budget.

#### **5. Resource Comments:**

The recommendation in the report to approve the commissioning approach of undertaking a procurement exercise for the enhanced Lincolnshire Leaving Care Service 16 plus model starting on 1 April 2020 will meet the Council's aspiration for care leaver support by improving the level of service and outcomes.

The revision of the model of delivery will further improve the transition of looked after children to the Leaving Care Service and encourage independence, whilst the social worker retains statutory oversight until they reach leaving care age.

Core base budget funding continues to exist for the monetary value of the current delivery model (£1.258m), and to support the revision of the model to 16 plus, permanent funding has been secured from within Children's Services existing budgets (£0.242m) to meet the increase in cost requirements.

The revision of the model will improve the outcomes of Looked After Children as they transition to the Leaving Care Service and independence thereafter, and it is expected that the effectiveness of the resources being deployed will be improved from the current model.

#### **6. Consultation**

**a) Has Local Member Been Consulted?**

N/A

**b) Has Executive Councillor Been Consulted?**

Yes

**c) Scrutiny Comments**

The decision is being considered by the Children and Young People Scrutiny Committee at its meeting on 19 July 2019 and the comments of the Committee will be reported to the Executive Councillor.

**d) Have Risks and Impact Analysis been carried out?**

Yes

## e) Risks and Impact Analysis

Risks are included as part of the Commissioning Options Analysis in the attached Commissioning Plan at Appendix A.

An Equality Impact Assessment has been undertaken and is attached at Appendix 4 to the Commissioning Plan (Appendix A). This will continue to be modified as required so that it remains up to date with developments. Given this Commissioning Plan does not propose significant changes to existing arrangements, there are no significant adverse impacts envisaged.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Commissioning Plan – Lincolnshire Leaving Care Service from 2020

## 8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Bridie Fletcher, who can be contacted on 01522 555516 or [bridie.fletcher@lincolnshire.gov.uk](mailto:bridie.fletcher@lincolnshire.gov.uk)