

CHILDREN & YOUNG PEOPLE COMMITTEE

Agenda Item 49

Brighton & Hove City Council

Subject: Family Group Conference Review Proposals
Date of Meeting: 12th November 2012
Report of: Interim Director of Children's Services
Contact Officer: Name: Rosalind Turner Tel: 29-5511
Email: Rosalind.turner@brighton-hove.gov.uk
Key Decision: Yes
Ward(s) affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Family Group Conferences are an internationally recognised and evidence-based method of family based decision making for children and young people in crisis where a plan needs to be made for their welfare. They are now required under the Public Law Outline, the legal procedure to be followed when considering whether children should be brought into the care of the local authority.
- 1.2 Brighton & Hove have had Family Group Conferences provided by a specialist independent provider since October 2002. Family Group Conferences aim to divert children and young people from public care and maintain them within their families and communities. This is a key objective in improving outcomes for children and young people, and the Value for Money programme in Children's Services.
- 1.3 This report provides information and options for the future delivery of Family Group Conferences for decision by the Children and Young People's Committee

2. RECOMMENDATIONS:

- 2.1 That CYP Committee consider the financial and comparative information between the current outsourced arrangement for Family Group Conferences, against the financial and comparative information on the provision of an in-house service, alongside demand and quality indicators, discussions with other services across the local authority, and further information from the current provider (**See Appendix 1**)
- 2.2 Committee should then resolve either to retender the service to external providers on the current financial allocation, with the Director of Children's Services having delegated authority to determine the outcome of the tender, **or;**

2.4 Transfer the coordination and provision of Family Group Conferences to a managed service with the local authority Children and Families service, which can then respond to the current and future demand.

2.5 Once the decision of the Committee is known, a timetable will be developed to ensure continuity of provision.

3. CHRONOLOGY OF KEY EVENTS:

3.1 Following a review of programmes funded by the Early Intervention Grant in 2011, a recommendation was made that there should be a new tender process for provision of Family Group Conferences in Brighton & Hove to ensure value for money and that the service was fit for future purpose. Approval was secured for this at the Cabinet Member meeting on March 5th 2012, with the minutes noting that the option of providing Family Group Conferences in-house through the local authority to be fully considered before making final decisions.

3.2 Following this decision, further research was carried out to determine the best and most cost effective way to deliver a future service. The outcome of this review was a proposal, presented to Children and Young People's Committee on 15th October 2012, to bring support and coordination for Family Group Conferences into direct management and delivery through Brighton and Hove Council's Children's Services.

3.3 At the 15th October CYP Committee, an in-principle decision was taken to proceed with an in house service. This was subsequently called in to Health and Well-Being Overview Scrutiny Committee on 24th October, on the basis that there was insufficient financial and comparative information to enable an informed decision to be taken on the future arrangements for Family Group Conferences in Brighton and Hove.

3.4 The Scrutiny Committee agreed with the points made, and have referred the issue back to this meeting of the Children and Young People's Committee with a request for more detailed financial and comparative information to be provided, and that unless commercially sensitive, the report should be open to the public.

3.5 Further work has been done on itemising the current costs of FGC provision, and a financial breakdown of what could be delivered in house, alongside potential volumes and quality standards for the service. There has also been contact with the current provider who have provided more information, and have made a proposal for further efficiencies in the current delivery. This additional information has been added to the report below.

3.6 Initial conversations have been held with service managers across Children's Services, with the Stronger Families, Stronger Communities Programme, and with adult services, about whether there is potentially more demand and better value for money if the current delivery was enhanced through combining current resources. This can be explored further, no matter which delivery model is decided upon.

4. Background information

- 4.1 **Family Group Conferences (FGCs):** Family Group Conferences 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 process in child welfare, 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 include family members in the creation of their own plan, increasing their motivation 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 youth 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 youth's life; and,
 - to divert cases from court thereby reducing delays in decision making
- 4.2 Provision for Family Group Conferences (FGCs) in Brighton and Hove was first tendered In 2002, A specialist voluntary agency called Daybreak was awarded the contract and has been providing the service continuously since then. Daybreak also provide FGC's for a number of other local authorities including Hampshire and Bournemouth and Poole.
- 4.3 Provision of FGC's in Brighton and Hove is overseen by a small multi agency steering group, there is quarterly activity and financial monitoring with an annual report. The latest annual report for 2011/12 and the latest quarterly monitoring report are attached as **Appendix 2 and 3.**
- 4.4 During the ten years in which the project has been operating a number of changes have been made including widening out the age range to include all children and young people from 0-18 including unborn babies. The project now takes 93+ referrals a year. In 2010-11 this related to 177 children, 54% of whom were under 5 years. The focus of Family Group Conferences is to make robust plans for children and young people who are at risk of coming into the care system. This group of children and young people are a key focus of the Value for Money programme in Children's Services to improve outcomes for them, and to reduce the high cost of placing children away from their families.

4.5 Outcomes from Family Group Conferences are positive. For example in 2010-11, of the 44 children in Brighton and Hove referred because of a request for Local Authority accommodation, 43 children (97%) remained living or were placed with either their immediate or extended family. In addition, 97% of children who were in Local authority care when referred had plans agreed for them to return to live within their families.

5. Service Review

5.1 The Review of Family Group Conference provision was carried out by the Head of Schools and Communities, the contract manager, supported by the Children and Families Commissioning Team. It was identified that there are two main mechanisms for provision of Family Group Conferences:

- Commissioned model where FGCs are delivered by an external provider
- Provided by an in house team based in the local authority

5.2 The Family Rights Group who act as the major coordinating body for information about FGC's lists 18 projects providing FGC services for 18 local authorities in the South East. A current check of their website shows that in this area, 15 local authorities provided FGC's in house, 1 was a private provider and 4 were provided by Voluntary or Community sector agencies, including the project in Brighton and Hove, with some working in addition to local authority provision. This means that over 80% of FGC services in this area are now provided for in house by the local authority, with an increasing number having taken this decision, indicating that there are likely cost benefits and service advantages to local authorities to bringing an FGC service in house.

5.3 Comparison with another Local Authority

A detailed comparison was undertaken during the review between one in house FGC project within a neighbouring local authority and the Brighton & Hove Project. The table below outlines the cost comparisons with the two types of service. The comparator local authority is a large county so the travel costs would be considerably more. This local authority employs coordinators who are expected to average about 30 referrals a year.

Local Authority	Type of Provider	Staffing	Overall cost	Number of referrals per year	Unit cost per FGC
Brighton & Hove	Voluntary sector specialist provider	Sessional coordinators	£182, 500	93	£1,962
Comparator LA	In house team	6.7 FTE employed coordinators	£298,000	200	£1,490

5.4 The opportunity to gather additional detailed information from other Local Authorities during the review was limited, with concerns about commercial

confidence, and the difficulty of like-for-like comparisons. For example, information was obtained from another unitary authority in the South East, which has recently gone out to Tender and appointed a Voluntary Sector Provider to deliver FGC's. Reports submitted by the Council identified the advantage of an in house process as being flexibility and accountability, but in this case the most significant disadvantage was cost, as the in house model was judged to be more expensive. Further examination showed this Council was also commissioning FGC's for Adults and provision of Advocacy as part of the Tender process. In Brighton & Hove Advocacy for FGC's is already provided by an in house service and adult services are not currently included in the specification. Specific unit costs of the relevant models were not provided so it is difficult to make accurate comparisons.

5.5 Pressures on Current FGC Service

The current budget buys provision of 93 FGC's a year. Over the last few years there has been increased demand for the service and this has led to the need to find solutions to this pressure. This has required both spot purchasing of FGC's by the Social Work service, affecting social work resources and also tightening criteria for referral which has meant that FGC's are only offered to high end Child in Need cases for example when they could have a more preventative role.

5.5 This year the rate of referral has been very high with half the year's allocation of FGC's used within the first four months of the year. The current provider made efficiencies during 2011/12 to respond to an addition 15 referrals for FGC's. Of the 108 referrals so far in 2012, 87 (80.5%) went on to have an initial FGC. Of these, 51 (58.6%) went on to have a review so 138 family group meetings were held in total. The provider has agreed to accept 105 referrals during 2012/13 for the same funding. However, this pressure indicates a longer term issue with the current arrangements.

5.6 Recent reports indicate that there is only capacity for a further 18 referrals for the rest of the financial year, which means tight prioritisation during January to March 2013, unless additional resources will have to be found to pay for spot purchasing.

5.7 On the basis of cautious comparative cost indicators, based on the above example, the initial review indicated that Brighton & Hove could provide a higher number of FGCs than the current contract provides if an in house model was used. This would enable not only high end Child in Need cases to have an FGC. This would support the VfM prevention outcomes of stopping situations escalating, maintaining children safely in their families and communities and preventing children ending up in care.

5.8 Subsequently, the potential cost and outcome analysis has been shared with the current provider, who has offered to make management efficiencies to increase the number of referrals which can be taken and managed through Family Group Conferences. This is not currently a contract proposal, but if it were to become so, and indeed was further tested on the open market, it would deliver a lower unit cost than the one currently contracted, and would match and possibly exceed the unit cost of an in-house service.

LA	Overall budget	Number of referrals per	Estimated Unit cost
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		year	
Brighton & Hove	£182,500	130	£1,400
Daybreak offer of further efficiencies	£182,500	135	£1,352

A more detailed breakdown of costs between the current contracted provision and a potential in-house services is provided as **Annex 3**.

5.9 Quality Assurance and Independence

An important issue in successful FGC practice is that it is an independent process and there is a clear separation between the social work decision making and the Family Group Conference. The in house providers surveyed for the review had established clear mechanisms that successfully achieved this. For example: in house FGC practitioners did not carry case responsibility, make social work decisions and were located separately from the social work teams. This provided the clear separation that family members needed. In the experience of the Local Authorities consulted, the fact that the FGC service was provided by the Local Authority rather than an independent provider had not caused any difficulties or created any barriers for families in accessing the service. Clearly this would have to be tested with service users and their advocates if the Brighton and Hove Service were to be brought in house.

5.10 Principles and Standards

The Family Rights Group has recently published a Framework of Practice Principles and Standards for Family Group Conferences in the UK that are out to consultation. The Family Rights Group is an independent organisation that has a national role in promoting and supporting Family Group Conferences and hosts the National Family Group Conference Network. The Family Rights Group have been funded by the Department of Education to develop the FGC Framework and the standards apply to all FGC projects whether they are in house or in the voluntary or private sector. It is proposed that Brighton & Hove adopt these standards for FGC's in Brighton & Hove. Independence and neutrality are key principles within the standards framework and the Family Rights Group are also developing an accreditation process which we would propose to use for the Brighton & Hove FGC project. Adoption of the Framework would ensure that FGC provision in the city would be independent and neutral whichever model is used.

5.11 There are no reported quality issues with the current provider, and in fact they have shown flexibility in responding to increasing pressure for additional Family Group Conferences. They also have considerable expertise in covering specialist areas including Domestic Violence and Mental Health.

5.12 Providing the service in-house could mean advantages to the care pathways for children, as social work practitioners would be more closely connected to the process of referral, engaging with the children and families, and working together on improved outcomes. This complements the on-going transformation of social work practice which has led to earlier intervention and support, focused child in

need planning, reducing numbers of child protection plans and reducing numbers coming into the care system.

- 5.13 The initial review concluded that there were significant advantages of an in house model. These include the Local authority having more control over the provision of the service thus making it easier to control quality, better targeting of the service to meet local needs and priorities and embedding the process in daily practice in the social work teams.
- 5.14 The review did indicate some possible disadvantages. A voluntary organisation can apply for and possibly attract additional charitable income. Daybreak employs sessional workers which does allow greater flexibility in matching the FGC coordinator to the families culture or ethnicity.

6. Tendering Process

- 6.1 The advice of the Commissioning and Procurement teams is that the current contract cannot simply be extended again. The current contract has been in place for 10 years, and requires significant updating. The choice is either to move to in house provision, which does not require a tender process, or to develop a full re-tendering process. In consultation with the Strategic Commissioner, an estimate has been made of the costs of a tender process, including officer time which would be £10,500.
- 6.2 A tendering process would require a re-specification, an invitation to tender to various organisations. Best practice indicates there should be involvement of young people and families in contributing to the specification and assessing the bids. The process would take 6 months, at least, and would need to be built into the costed work programme of the Commissioning and Procurement teams and the Service Delivery Unit.
- 6.3 If the Children and Young People's committee decides to proceed with a retendering, consideration will be given to extending the remit of the contract to include a wider range of services, possibly including adult services, if resources can be redirected to this purpose. It is recommended that the Director of Children's Services be given delegated authority to determine the outcome of the tender, with the Director of Adult Services if they wish to join the contract.

7. Development of an in-house Family Group Conference service

- 7.1 It is anticipated that an in-house project would require a part-time senior coordinator, 4fte FGC coordinators and a part time administrator. With this level of managed service, it would be possible to provide overall management for the project within the existing service arrangements. Subject to further discussion with service managers, consideration would be given to locating the project within the Family & Friends team within the Fostering & Adoption service as there are strong connections between the two and they would complement the recently agreed Family First policy agreed by the Corporate Parenting Board. The Family & Friends team has high satisfaction ratings from parents and carers using the service. TUPE may apply to staff employed by the current provider.

- 7.2 If CYP Committee agrees to transfer the service in house, a timetable would need to be developed and costs allocated for recruitment and service development. The contract requires three months notice to the current provider, and the aim would be to develop an in-house service by April 2013.
- 7.3 A business case would be completed to be submitted to the VfM Prevention Workstream to provide the small amount of start up cost on a spend to save basis. It is recommended that a short life group is set up to manage the setting up of the project.

8. COMMUNITY ENGAGEMENT AND CONSULTATION

- 8.1 The current provider and steering group partners are aware of the review. There has not been any further community engagement until CYP Committee decide next steps.

9.FINANCIAL & OTHER IMPLICATIONS:

- 9.1 The financial information relating to current and estimated future costs of services presented in the report and in appendix 3 are accurate. All options identified in the recommendations would result in improvements in efficiency and value for money for the council. The likely costs of a retendering exercise or provision of capital and set up costs if the service is brought in-house would need to be fully explored and funding identified from within the existing resources available. This service is a key element in the children’s services prevention strategy, which is vital to the continued success of the Value For Money programme.

Finance Officer Consulted: Name David Ellis Date: 10.12.12

Legal Implications:

- 9.2 Family Group Conferences are required under the Public Law Outline. Any provision in Brighton & Hove would need to comply with this requirement. In addition the use of Family Group Conferences play a role in the requirement for the Local Authority to consider and ensure compliance with the Human Rights Act 1998; in particular Article 8 of the European Convention on Human Rights – The Right to Family Life.

These services are classified as Part B services for the purposes of the Procurement Rules. As such, if the service is not brought in house, the requirements will be ‘light touch’ with a general obligation for the process followed in letting a contract to be ‘fair and transparent and non discriminatory’

Contract Standing Orders provide that contracts of this type must be procured in accordance with Procurement Rules, and must demonstrate obtaining value for money, but are otherwise exempt from the requirement to obtain a specified number of tenders.

There is no need to tender for the service if the decision is to bring it in house, however this could amount to a relevant transfer for the purposes of TUPE. In such a case, staff currently working for the existing contractor would be eligible to transfer to the Council on their existing (or broadly comparable) terms and conditions.

Lawyers Consulted: Sandra O'Brien & Jill Whittaker

Date: 21.12.12

Equalities Implications:

- 9.3 FGC's support the care of vulnerable children within their own families and within all the diverse communities of Brighton & Hove. Provision of Advocacy supports children and young people in voicing their views in the FGC process and Advocacy is also provided for vulnerable adults. Wherever possible FGC's take place in a family's own language and coordinators are matched to the family in terms of culture and language. Family Group Conferences are an empowering process whereby families are fully involved in making decisions for their children and the resources of the extended family and community are engaged in supporting some of the most vulnerable children in the city.

Sustainability Implications:

- 9.4 Family Group Conferences improve a sense of community and support the capacity of the community to support themselves through an empowering family centred decision making process.

Crime & Disorder Implications:

- 9.5 Family Group Conferences can be used in situations where young people are offending or are at risk of offending and therefore are a positive tool in preventing or reducing crime and disorder.

Risk and Opportunity Management Implications:

- 9.6 Risks relevant to the process and continuity of provision will be addressed and appropriate advice and guidance will be sought.

Public Health Implications:

- 9.7 Family Group Conferences support wider health and wellbeing through engaging and involving vulnerable children and families in making crucial decisions about their lives, promoting self efficacy.

Corporate / Citywide Implications:

- 9.8 These proposals support the corporate objectives of tackling inequality and engaging people who live in the city. Family Group Conferences are an empowering process whereby families are fully involved in making decisions for their children and the resources of the extended family and community are engaged in supporting some of the most vulnerable children in the city. Family Group Conferences have proven that they can prevent children coming into the

care system and help maintain them in their families and communities. The process also addresses the corporate Value for Money objectives.

9. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 10.1 The options in relation to a full tender process or of providing Family Group Conferences in house through the local authority have been fully set out in this report.

10. REASONS FOR REPORT RECOMMENDATIONS

- 11.1 To maintain children and young people at home in their families and communities wherever this is safe and in the best interests of the child or young person, utilising the resources and support of local families and communities through ensuring best value provision of Family Group Conferences in the city over the next two years, either through the transfer of the service in house, or through a retendering exercise, possibly incorporating additional requirements from other services across the council.

SUPPORTING DOCUMENTATION

Appendices:

1. 2011/12 Annual report of Family Group Conference provision in Brighton and Hove by Daybreak.
2. The quarterly monitoring report for FGCs to October 2012
3. Breakdown of costs of current contract and possible in-house provision of Family Group Conferences

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