

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 11 April 2022</b>
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Recommissioning of Independent Advocacy Services to Children and Young People
Purpose of Report:	To seek authority to work in partnership with Cardiff City Council to recommission the existing Regional Children’s Advocacy Contract, due to lapse on 30 <sup>th</sup> September, 2022.
Report Owner:	Cabinet Member, Social Care and Health.
Responsible Officer:	Director of Social Services
Elected Member and Officer Consultation:	Operational Manager, Commissioning & Information. Operational Manager, Children & Young People Services. Head of Resource Management & Safeguarding.
Policy Framework:	This is a matter for Executive decision.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• The purpose of this report is to seek Cabinet approval to undertake a re-commissioning exercise and to enter into a contract for the delivery of independent advocacy services to children and young people.</li> <li>• The Vale of Glamorgan Council with Cardiff Council awarded a contract for independent professional advocacy services to the National Youth Advocacy Service (NYAS) in 2017 for a period of 5 years. This contract is due to lapse on 30<sup>th</sup> September, 2022, therefore a decision is required so that a procurement exercise can take place in time to award a new contract by July 2022.</li> </ul>	

## **Recommendations**

- 1.** It is recommended that Cabinet delegates authority to the Director of Social Services in consultation with the Cabinet Member for Social Care and Health to (following completion of the tender process) award the contract (s) for this service for an initial period of 4 years with an option to extend for up to a further 2 years.
- 2.** It is recommended that Cabinet delegates authority to the Director of Social Services to seek authority from the Monitoring Officer/ Head of Legal and Democratic Services to execute a contract(s) with the successful bidder(s).
- 3.** It is recommended that Cabinet agree to the Monitoring Officer/Head of Legal and Democratic Services developing and entering into a partnership arrangement with Cardiff Council regarding the commissioning processes for the Service.

## **Reasons for Recommendations**

- 1.** To ensure the Council meets the requirements of the Code of Practice on the exercise of Social Services functions in relation to Advocacy under Part 10 and related parts of the Social Services and Well-being (Wales) Act 2014 in a cost effective way that meets the needs of the children and young people.
- 2.** To ensure the Council provides the relevant officers with the authority to proceed with a contract(s) with the successful bidder(s).
- 3.** To ensure the Council meets the requirements of its Financial Procedures and Contracts Standing Orders.

## **1. Background**

- 1.1** The Directorate of Social Services has a statutory responsibility to ensure advocacy services are provided.
- 1.2** For children and young people, Independent Professional Advocacy (IPA) must be available to those who are in receipt of care and support as a Child Looked After or a Child In Need of Care and Support. This is also known as Issue Based Advocacy.
- 1.3** An independent advocacy service is designed to provide safeguards for children and young people and it is imperative that the advocates providing the service should be free to support them, without any conflicts of interest, and to appropriately challenge service providers on the children and young people's behalf. The subject of such challenge may be very broad and can include decisions made about a child or young person's care, the upholding of a child or young person's legal rights, and the quality of care being provided.
- 1.4** The role of the advocate is to support a child or young person to make an informed decision with the young person's views and wishes being their sole focus. An advocate will help a child or young person to understand his or her rights and the choices of action that are available, but ultimately, any decisions taken will be the child or young person's own.

- 1.5** In addition, the Active Offer is a face-to-face meeting between the Provider and the Child/Young Person following initial information and the Child/Young Person's consent for the meeting.
- 1.6** The Child/Young Person may or may not decide that they wish to receive a Service from the IPA as a result of the active offer advocacy meeting. If the Child/Young Person agrees to receive advocacy support following an active offer meeting, the service is further defined as an issue-based advocacy following a self-referral with its source noted as active offer.
- 1.7** A Task and Finish Group led to the development of a National Framework which set out the key components of a national approach to Statutory Advocacy:
- National Standards and Outcomes Framework.
  - National approach to a Service Specification for use by Regions.
  - Range and Level Mechanism.
- 1.8** The Task & Finish Group has continued to meet to agree updates to the Service Specification. The most updated version was agreed in September 2020, in anticipation of the recommissioning of services across Wales.
- 1.9** The Council's Contract Standing Orders require that contracts with an estimated value of £75,000 or higher should be subject to an appropriate procurement process that ensures value for money, compliance with legislation governing the spending of public money and protect individuals from undue criticism or allegation of wrongdoing. The re-commissioning of the advocacy contract has been designed to ensure that these three principles are fulfilled.
- 1.10** Following an open tender process in 2017, the Social Services Directorates in the Vale of Glamorgan and Cardiff awarded the contract to the National Youth Advocacy Service (NYAS) in order to provide advocacy services for Children in need, Children Looked After, and young people leaving care. This contract is due to expire on 30th September, 2022.

## **2. Key Issues for Consideration**

- 2.1** The Vale of Glamorgan Council will undertake the role of lead commissioner on this project. The Council's project management methodology will be utilised to support the project throughout its various stages.
- 2.2** The tender process will be managed by a Project Group which includes representation from Children's Services Divisions from both the Vale of Glamorgan Council and Cardiff City Council. The group has been meeting frequently to allow timely discussions to be held with regards to issues that may occur within the tender processes. Informed debate and discussion will be allowed for decisions to be agreed, ensuring continued progress of the tender process within required timescales.
- 2.3** Following advertising the tender process, organisations will complete an Invitation to Tender (ITT).

- 2.4 The quality element of the submission will be evaluated through a number of means and will cover a number of areas that have been weighted appropriately in accordance with importance.
- 2.5 All providers will be asked to provide written submissions against quality questions included within the ITT document. Their written submissions will be assessed by an internal evaluation panel.
- 2.6 Providers will also be evaluated on their quality through an interview and presentation process. Providers are to be asked to present their proposals and answer a series of formal questions to the evaluation panel. These responses will be evaluated and scored by the panel.
- 2.7 Children and young people will also be involved in the quality element of the process, with them asking direct questions of the potential providers during the interview stage.
- 2.8 Following the evaluation of overall quality, quality will be combined with the provider financial score to identify the preferred provider for the service.
- 2.9 The contract is to be awarded initially for four years with an option to extend for a further two years in negotiation with the successful provider.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The Well-being of Future Generations Act 2015 (“the 2015 Act”) requires the Council to think about the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2 To make sure we are all working towards the same purpose, the 2015 Act places seven well-being goals on the Council. The 2015 Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two, these being:
  - A prosperous Wales
  - A resilient Wales
  - A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A Wales of vibrant culture and Welsh language
  - A globally responsible Wales
- 3.3 By embedding the five ways of working, the Council is working in a more sustainable way. The Council aims to meet these as detailed below:
  - **Looking to the long term.** The service commissioned includes advocacy intervention, the length of which will vary depending on individual

circumstances. It may be long term dependent on the range, nature and complexity of issues. The service aims to provide access to advocacy at the earliest possible stage in order to prevent the need to access higher level services in the long term.

- **Taking an integrated approach.** The national advocacy service specification sets out ways in which non-instructed advocacy can be provided in cases when a child or young person may be unable to instruct and direct an advocate. Where a child or young person is unable to instruct, non-instructed advocacy can be used to represent their views, wishes and feelings. It is acknowledged that an integrated approach is most effective in delivering non instructed advocacy, using the following methods: The rights-based approach, person-centred approach, watching brief approach and witness-observer approach. The Service Provider may use one or a combination of approaches, dependent on their assessment of the situation and the presenting issue.

The above contribute to the well-being objectives of working with our communities and to support people at home and in their community.

- **Involving Young People.** The national advocacy service specification stipulates that Children and Young People will be involved in the recruitment and selection process for any new staff appointed by the Service Provider. In addition, the Participation element of the service specification states:

The Service will promote and facilitate the involvement and engagement of children and young people in order to enable them to express their views about the service and participate in the design, planning and delivery of the service including staff recruitment.

The Service Provider, when securing help from children and young people to improve the service, will take steps to ensure a representative balance of views from those using the service.

The Service Provider will undertake an annual feedback survey amongst service users as well as delivering participation and consultation sessions with children and young people on service development and improvement.

Involvement of young people will also be central to the commissioning process, whereby a young person's panel will ask questions to bidding organisations at the interview stage of the procurement process. The scores of these questions will be given equal weighting to those posed by the Commissioners' interview panel.

- **Collaborating with others.** Advocacy operates on a number of levels: Independent Professional Advocacy, Formal Advocacy and Informal/Peer Advocacy and should be viewed as working together to form an advocacy network in support of the child or young person. Formal advocacy is offered by other professionals working with children and young people, for example social workers, teachers and health workers, therefore collaboration with other professionals is central to the provision of advocacy. Each level of advocacy has a role to play in support of a child or young person but also has its own limitations and boundaries. Recognising these limitations and boundaries will

strengthen the ability of the different levels to work together, in particular the relationship between Independent Professional Advocacy and Formal Advocacy. The procurement process is a collaboration with Cardiff Council.

- **Prevention.** Understanding the underlying causes of the problems that children and young people face, finding enabling solutions and interventions at the right time will help progress in achieving the well-being goals of a healthier Wales, where people's physical and mental well-being is maximised, and a more equal Wales that enables people to achieve their potential irrespective of their socio-economic background and circumstances. This will be achieved by assuring the provision of advocacy as set out in the National Standards and Outcomes Framework for Children and Young People in Wales:

Children and young people have their privacy and confidences respected and their well-being safeguarded and protected.

Children and young people are valued for their diversity, treated with respect and all forms of discrimination against them are challenged.

Children and young people are empowered to take the lead in relation to advocacy services and their rights, wishes and feelings are championed.

Children and young people participate in the design, planning, delivery, monitoring and evaluation of advocacy services.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** Welsh Government has confirmed their commitment to providing funding to support the provision of advocacy; the Cabinet Secretary for Communities and Children is keen to demonstrate significant progress on the matter. Consequently, Welsh Government has confirmed its commitment to provide funding for meeting some of the additional costs that will accrue to local authorities, including the costs of the Active Offer.
- 4.2** It is the intention of the Vale of Glamorgan Council and Cardiff City Council to undertake a joint procurement exercise to identify a suitable provider for the services set out above. As stated previously, the Welsh Government is considering funding options for the Active Offer service. The contract for this will not be in place until Welsh Government funding is confirmed. Potential providers will be made aware of this during the procurement process.
- 4.3** Services for Vale of Glamorgan service users will be funded from within the existing Social Services budget.

### **Employment**

- 4.4** The process of monitoring the service will be undertaken by staff within the Social Services Directorate, making appropriate use of corporate expertise and processes in areas such as procurement, finance and HR where required.

## **Legal (Including Equalities)**

- 4.5** The Social Services and Well-being (Wales) Act 2014 (the Act) requires any persons to have due regard to the United Nations Convention on the Rights of the Child. Detail on exercising this duty has been provided in the Code of practice in relation to Part 2 of the SSWB 2014 Act. In addition, the Act requires any persons exercising functions under the Act to have regard to the importance of providing appropriate support to enable the individual to participate in decision which affect them, to the extent which is appropriate in the circumstances. A local authority's duty to provide advocacy services (or assistance by way of representation) in relation to its social services functions comes under section 26a of the Children Act 1989 and it is re-stated under Sections 171-178 of the SSWB 2014 Act. Further information on the expectations and role of an advocate operating in pursuit of the Contract is set out in the Social Services and Well-being (Wales) Act 2014: Part 10 Code of Practice (Advocacy) Code of Practice, in particular Annex 1 therein.
- 4.6** In accordance with the National Outcomes Framework, it is a statutory requirement that a Child/Young Person is eligible for an active offer meeting if the Child/Young Person is entering the care system as a 'Child Looked After' (CLA) or the Child/Young Person is entering into the child protection arena.
- 4.7** Any change of service provided as a result of a tendering exercise may result in TUPE being applied. If this occurs, Legal Services and Human Resources will be consulted as appropriate.
- 4.8** The review of all working arrangements between the Council and other agencies will ensure that services are provided through robust contracts that fully reflect the responsibilities of the Council and the provider.

## **5. Background Papers**

[Report to Cabinet Meeting – 20<sup>th</sup> February 2017.](#)

Inter-Authority Agreement

[Cabinet Meeting Minutes – 20<sup>th</sup> February 2017 – Minute No. C3479](#)