Report title: Pan – London Family Drug and Alcohol Court (FDAC) Service

Wards: All

Portfolio: Cllr Jane Edbrooke, Cabinet Member for Children and Schools

Report Authorised by: Annie Hudson: Strategic Director for Children’s Services

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Report summary

The Family Drug and Alcohol Court (FDAC) service is a bespoke service provided by the Tavistock & Portman NHS Trust. This report seeks approval to waive contract standing orders for Lambeth Children’s Social Care to join a newly formed consortium of 10 local authorities, (The London Boroughs of Merton, Wandsworth, Southwark, Camden, Bromley, Croydon, Sutton and the RB of Kingston and Richmond), and enter a contractual agreement with the pan-London Family Drug and Alcohol Court (FDAC) Service, for the provision of 8 packages of care over a period of two years. The new contract will commence on 1 January 2018 or two years, and will include the option to extend for a further two years on a 1+1 basis.

Finance summary

The total estimated value of this waiver is £245,632 over a period of 4 years from 1 January 2018 to 31 December 2021.

Under this arrangement, one FDAC care package will cost £14,475, for the first 2 years based on the prediction that the council will utilise a minimum of 4 FDAC packages per year, there is also an additional project management fee of £10,000, which is a one – off payment at the start of contract which will be paid to the London borough of Merton.

This give a total contract value of £125, 800 for the first two years. If Lambeth chooses the option to extend on a 1+1 basis, the total spend will be £184,860 and £245,632 respectively.

Table 1 shows a breakdown of costs over the four years.

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<tr>
<th>Period</th>
<th>Number of packages</th>
<th>Cost/package</th>
<th>Annual cost</th>
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<tr>
<td>Year 1-2018</td>
<td>4</td>
<td>£14,475.00 + £10k</td>
<td>£67,900.00</td>
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<td></td>
<td></td>
<td>Project management fee</td>
<td></td>
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<tr>
<td>Year 1-2019</td>
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<td>£14,475.00</td>
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<td>Year 1-2021</td>
<td>4</td>
<td>£15,193.00</td>
<td>£60,772.00</td>
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<td></td>
<td></td>
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<td>£245,632.00</td>
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The funding for this service will come from the Children’s Social Care Legal Assessments Budget, held in Business unit D13052.

This expenditure is deemed essential; as this is a statutory service which Lambeth has a duty to provide as per section 17 of the Children’s Act 1989. This is also a bespoke service that at this time cannot be provided by any other provider.

Recommendations

1. To agree that the Council enters into a Collaboration Agreement with nine other boroughs led by the London Borough of Merton and become a Partnership Member of the pan-London FDAC Partnership.

2. To agree a waiver to contract standing orders which require a competitive tender process for contracts over £100,000, to award the contract for the pan-London FDAC service to the Tavistock and Portman NHS Trust for the term of two years, starting 1 January 2018 ending on 31 December 2019 at the cost of £125,800, with the option to extend for a further two years on a 1+1 basis at a cost of £59,900 for 2020 and £60,772 for 2021.
1. Context

1.1 As the lead borough, the London Borough of Merton recently completed a tender exercise for the FDAC service on behalf of 10 local authorities (including Merton) that make up the South London FDAC multi-borough Consortium. The tender has been evaluated and the successful provider is the Tavistock and Portman NHS Trust which is currently the leading FDAC provider in the country. The service was put out to tender to test the market.

a) The Family Drug and Alcohol Court (FDAC) is a fully evaluated service model providing improved outcomes for children and families, who are being put at risk due to parental substance misuse. The service focuses on families whom the responsible local authority is working with, within a pre-care proceedings framework, and those for whom care proceedings are about to be filed.

b) The FDAC is a specialist problem-solving court, hearing care proceedings for children put at risk by parental substance misuse, and providing models of intervention within the context of the court proceedings. A specialist multi-disciplinary team of practitioners works with the court to support treatment regimes where parents have an alcohol and/or drug dependency.

1.2 The purpose of this report relates to the following policies and legislation:-

- Future Lambeth: Our Borough Plan 2016-2021, sets out a commitment to give children and young people the best start in life by reducing inequalities and promoting Health and wellbeing. Ensuring that every child, young person and family in Lambeth thrives and is empowered to lead a safe and healthy life

- The Lambeth Children and Young People’s Plan 2017 - sets out the Council’s vision for children, young people to achieve, stay healthy, be safe and resilient. One of the ways it will achieve this by ensuring they have access to high quality public services that help build their capacity and address their needs

- The national drug strategy, Reducing Demand, Restricting Supply, Building Recovery: Supporting People to Live a Drug Free Life is being refreshed, and a new local drug strategy will be produced in line with the national strategy. The FDAC model is in line with the current strategy which emphasises recovery from drug dependency, and building recovery in communities.

- The Government’s Alcohol Strategy seeks, at a population level, to support individuals to make informed choices about healthier and responsible drinking, and recognises that some of the most vulnerable people in our communities will need support to change their behaviour. Our local alcohol action plan, currently in draft, aims to protect homes, families and workplaces from alcohol related harm.

- The Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children within their area who are in need; and, so far as is reasonably consistent with that duty, to promote the upbringing of children by their families (section 17).

- The Family Justice Review 2011 advocated the use of the FDAC model. The FDAC model is in keeping with the Children and Families Act 2014 to enable more timely and effective resolutions to care proceedings, and ensuring that expert evidence is used with the welfare of the child at the heart of the process, and to achieve a just outcome (sections 13 and 14).

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1.3 This is a Gateway 3 report.

2. Proposal and Reasons

2.1 The proposal is for Lambeth to join the Pan London FDAC consortium led by the London borough of Merton for the provision of FDAC services, purchasing a minimum of four FDAC packages a year. The tendering exercise led by LB Merton which concluded in a contract award to the Tavistock and Portman NHS trust to provide FDAC services to the 10 members of the consortium.

2.2 FDAC uses a problem solving court approach, which aims to help parents control their substance misuse so they can be safely reunited with their children. If that is not possible, the aim is to ensure that children are placed permanently with family members or elsewhere as speedily as possible.

2.3 The Partnership Members of the consortium will work together with HHJ Atkinson and Judge Parker and staff at Croydon County Court, with HHJ Rowe and staff at West London Family Court, and with HHJ Tolson and staff at Inner London Family Court, to offer an alternative form of care proceedings for parents and children in those cases where substance misuse is a key factor in the decision to bring proceedings.

2.4 The work that has been carried out over the last few years has been noted and commended by the president of the Family Division, Sir James Munby, who has publicly positively supported the model in the seventh published view from his chambers -stating that the pioneering FDAC is a successful attempt to improve both the process and outcomes for those involved in care proceedings.

2.5 The Family Justice Review stated that “Both local authorities and courts more generally could learn from FDAC’s focussed approach to proceedings, including its engagement with all the parties and its use of an integrated team to provide high quality assessments to court and therapeutic support for parents”

2.6 The Department for Education has since commissioned the Tavistock & Portman to develop the model nationally.

2.7 Lambeth has been a member of the former London consortium from 2014, and monitoring evidence has shown a number of positive outcomes, an example would be for one of Lambeth’s FDAC graduates interview on BBC4 - https://tavistockandportman.nhs.uk/about-us/news/stories/fdac-features-bbc-womans-hour/

2.8 This service will offer value for money because Lambeth will be sharing both cost and resources with the other partnership members.

2.4 Additional benefits to being a member of the Pan – London FDAC consortium also include the following:-
   - Reduced risk as cost of service is spread across the boroughs
   - Reduction in cost of service due to economies of scale
   - The ability to carry over cases from one year to the next if not used
   - Ability to spot purchase or sell packages to other consortium members

2.5 The overall long term positive impact of this service would be the money saved by the decrease in the number of children taken into care as a result of their parent’s substance misuse. Short term would be the individual amounts saved on numerous assessments, court costs and additional substance misuse treatment costs that would otherwise be incurred non FDAC cases.
3. **Finance**

3.1 The total estimated value of this waiver is £245,632 over a period of 4 years from 1 January 2018 to 31 December 2021.

3.2 Under this arrangement, one FDAC care package will cost £14,475, for the first 2 years based on the prediction that the council will utilise a minimum of four FDAC packages per year, there is also an additional project management fee of £10,000, which is a one-off payment at the start of contract. This gives a total contract value of £125,800 for the first two years. If Lambeth chooses the option to extend on a 1+1 basis, the total spend will be £184,860 and £245,632 respectively.

4. **Legal and Democracy**

4.1 The Council has delegated the authority to enact this report’s recommendations to the Strategic Director for Children’s Services. Before exercising that authority, this paper should be reviewed by the Procurement Board.

4.2 The Council’s Contract Standing Orders has provision allowing officers to waive the requirement to competitively tender its service requirements where, among other conditions, it is in the Council’s best interests to do so.

4.3 The Public Contracts Regulations 2015 apply to the proposed partnership arrangement and as the services which form the subject of this report are listed at Schedule 3 the “Light Touch Regime” applies and the Council is only obliged to comply with the full rigour of the procurement regime if the value of its contribution exceeds the threshold of £589,148.

4.4 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the website for five clear days before the decision is approved by the Director or Cabinet Member concerned. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. **Consultation and co-production**

5.1 The service is provided to a small number of families, with a very high level of need. Feedback from adults participating in the service is gathered regularly and reviewed quarterly. Feedback from across the contract period has been reviewed and considered. Feedback from the service has been considered together with outcomes achieved for the children within the service. Feedback from participants in the service, and the outcomes from young people are positive.

5.2 Lambeth Legal (social Care) gave the following feedback: “It is notable that in the experience of the FDAC lawyers it is unlikely that without the specialist intervention of FDAC that these cases would have had a successful rehabilitation home particularly for those parents who had longstanding substance misuse issues (amongst their other issues).”

5.3 Merton Council carried out a market warming event to test the capacity in the market for potential FDAC service providers:

- A Collaboration Agreement was produced by Partnership Members and led by Merton Council’s Legal Services
- The ITT and Specification for the FDAC Service was developed by the Pan-London FDAC Partnership. The terms and conditions of contract were prepared by Merton Council’s Legal Services.
6. Risk management

6.1 The Council is required to provide these services in accordance with the statutory guidance and legislation and because there is an allocated budget financial risk is low.

6.2 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. Equalities impact assessment

7.1 An Equalities Impact Assessment was undertaken as part of the procurement strategy considerations and was assessed as Low. Equality monitoring also forms part of the contract monitoring process.

8. Community safety

8.1 Care proceedings are used to protect the most vulnerable children within our communities and the Local Authority uses them to ensure that children can achieve the best outcomes despite the breakdown of their family unit.

8.2 People misusing substances have complex physical and mental health needs. This approach should encourage and support earlier parental engagement with treatment services where there are concerns over parenting, and over time, lead to a reduction in the number of repeat care proceedings across all communities.

8.3 Improved outcomes from those impacted by substance misuse will have a positive impact on local communities as a result of the improvement of family life, for children within the affected families. The evaluations of the service show that the impact of FDAC is that it will have a positive impact on families and enable parents to make a positive and lasting change enabling children to achieve the outcomes from the Children and Young People’s Plan.

8.4 Keeping vulnerable families together where safe and avoiding family breakdown is expected to have positive implications for children and young people. It is likely to allow for better educational and health outcome for children and young people. In addition to significantly contributing to community safety by reducing the potential for young people and their families to become involved in anti-social behaviour and or criminal activity.

9. Organisational implications

9.1 Environmental

In accordance with the Council’s Environmental Charter, procurement activities for the FDAC service has considered the implications for the service by ensuring the provider has an up to date Environmental policy in place. The provider is required as condition of contract to pursue environmental sustainability polices which includes ensuring that that as far as practicable that their business encompass use of recyclable resources.
9.2 Staffing and accommodation
None

9.3 Procurement
This waiver is requested because:-

a) The London borough of Merton carried out a full tendering exercise which was supported throughout by the Procurement Services and the Legal Services within Merton Council to ensure transparency throughout the process.

b) The tender responses were evaluated by officers representing each of the Partnership Members in accordance with the criteria and scoring rationale set out in the invitation to tender documents. The award criteria was split 50% price and 50% quality. With the final award given to Tavistock and Portman.

A waiver is in the Council’s best interest to ensure the provision of a service that will offer much better outcomes for vulnerable children whilst also addressing parental substance misuse issues.

Benefits of being part of a consortium include the following:
- Reduced risk as cost of service is spread across the boroughs
- Reduction in cost of service due to economies of scale
- The ability to carry over cases from one year to the next if not used
- Ability to spot purchase or sell packages to other consortium members

10 Timetable for implementation

10.1

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<th>Item No.</th>
<th>Item Description</th>
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<tr>
<td>1</td>
<td>Consultation</td>
<td>September/October 2017</td>
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<tr>
<td>2</td>
<td>Category Board</td>
<td>08 November 2017</td>
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<td>3</td>
<td>Contract Award and notifications by LB Merton</td>
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<td>4</td>
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<td>5</td>
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<td>6</td>
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10.2 Measurable aims and outcomes will measured quarterly.
The key performance indicators and measurable outcomes for this service are as follows:

- Reducing the number of children subject to Child Protection Plans due to parents substance misuse
- Strengthening parenting skills, building parenting capacity & helping parents to develop different coping mechanisms.
- Improving parental attachments & building resilience.
- Promoting and encouraging social responsibility in parents thus increasing their engagement in the community
• Number of children will be successfully reunited with their parents compared to traditional service delivery
• Number of children will achieve permanency, more rapidly, where reunification is not possible
• Number of parents able to access and maintain treatment for their substance misuse
• Number of parents successful in achieving and maintaining controlled substance use or complete abstinence
• Number of parents successful in addressing related psychosocial difficulties (mental health, domestic violence, housing, family planning)
• Children are able to achieve positive outcomes
• To develop resilience and improve the self-esteem of parents

10.3 The proposals for managing and monitoring this service are set out in the Service Specification and will jointly be shared by the members of the consortia. Each consortia council member will be responsible for their own referrals; the provider will submit specific performance data on a quarterly basis as set out in the specification. This data will be analysed by the designated officer and conclusions brought forward for discussion at the Operational and quarterly monitoring meetings.

10.4 In Lambeth a contract review meeting will take place after 90 days after the contract has commenced. Subsequent monitoring meetings will be held within the consortia which will be led by the London Borough of Merton, these will be held on a quarterly basis each consortia member will be responsible for setting up operational meetings between the provider and their operational staff to assess progress of service, there will be at least 2 of these per year. The overall annual review of the service will be carried out jointly by all consortia members.
## Audit Trail

### Consultation

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<tr>
<th>Name/Position</th>
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<td>Cllr Jane Edbrooke</td>
<td>Cabinet Member Children and Schools</td>
<td>10.11.17</td>
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<td>Annie Hudson</td>
<td>Strategic Director for Children Services</td>
<td>13.10.17</td>
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<td>Vikram Lall, Finance</td>
<td>Corporate Resources</td>
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<td>Michael O’Hora, Legal Services</td>
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<td>Michelle Hayden-Pepper, Assistant Director, CSC</td>
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## Report History

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<th>April 2017</th>
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<tr>
<td>Part II Exempt from Disclosure/confidential accompanying report?</td>
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### Background information

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### Appendices

None.
APPROVAL BY OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature: __________________________________________ Date: ______________________

Post:  Bola Elegba-Bakare - Commissioning Officer

I approve the above recommendations:

Signature: __________________________________________ Date: 21 November 2017

Post:  Annie Hudson – Strategic Director for Children’s Services

Any declarations of interest (or exemptions granted): None
Any conflicts of interest: None

Any dispensations: None