



Derby City Council

**Council Cabinet**  
**10 October 2018**

Report of the Strategic Director for People  
Services

**ITEM 13**

## **Emotional Health and Wellbeing Service for Children in Care, Leaving Care and Adopted**

### **SUMMARY**

- 1.1 The Local Authority is currently working in partnership with Southern Derbyshire Clinical Commissioning Group (SDCCG) to deliver an integrated emotional health and wellbeing service to children in the care of Derby City Council.
- 1.2 The availability of the right therapeutic intervention and support has a significant impact on stability, permanence and outcomes for children in care including those placed for adoption.
- 1.3 The service has been delivered as a Proof of Concept model since 1 October 2016 with contributions from both the Council and SDCCG. The services have been delivered by Derby Teaching Hospitals Foundation Trust (DTHFT) with joint contract management in place. The proof of concept is due to end on 1<sup>st</sup> April 2019.
- 1.4 The outcomes from the model have been positive, including increased placement stability, indications of better emotional health, and a more equitable offer for children. Positive feedback has also been received from staff and service users.
- 1.5 It is proposed to continue with a similar model; to tender a joint funded emotional health and wellbeing service for Derby city's children and young people to commence from 1<sup>st</sup> April 2019 following expiration of the current agreement. Following the successful procurement, the contract will be managed collaboratively with SDCCG.

### **RECOMMENDATIONS**

- 2.1 To approve a joint procurement exercise with SDCCG and for Derby City Council to be the lead in procurement of an emotional health and well-being service provider, to commence from 1<sup>st</sup> April 2019 for a period of up to 5 years.
- 2.2 To note the current premises are not fit for purpose and the Council would seek in the first instance for the successful provider to provide premises. In the event that no suitable alternative premises are presented, the Council will consider options to provide premises from their property portfolio.

- 2.3 To approve a Derby City Council contribution of up to £233,000. In the event that suitable premises are not put forward by a successful bidder, that any potential alternative suitable premises could be leased and this contribution by Derby City Council will be in addition.
- 2.4 To note the CCG contribution to the service (Appendix 1, section 1.5) is subject to confirmation of approval. The contract value is based on indication from the CCG of the potential maximum CCG contribution.
- 2.5 To enter into a Section 75 agreement or alternative partnership agreement with SDCCG for the procurement, management and financial contribution of the provision of the service.
- 2.6 To delegate authority to the Strategic Director for People Services, following consultation with the Strategic Director of Resources and Cabinet Member for Children and Young People, to approve the Council entering into a contract with the successful provider and any potential lease (if necessary).

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| <b>REASONS FOR RECOMMENDATION</b> |
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- 3.1 To ensure a sustainable service model is in place to deliver therapeutic interventions to our Children in care.
- 3.2 To ensure best use of Council resources.
- 3.3 To ensure that the service continues in a property that is child-focussed and fit for purpose.

## SUPPORTING INFORMATION

- 4.1 The Local Authority is working in partnership with Southern Derbyshire Clinical Commissioning Group (SDCCG) to deliver the emotional health and wellbeing service to children in the care of Derby City Council (DCC).
- 4.2 The service has been delivered as a Proof of Concept model since 1<sup>st</sup> October 2016 with a joint governance process between DCC and SDCCG and delivery from Derby Teaching Hospitals Foundation Trust (DTHFT).
- 4.3 It has brought together expertise in clinical psychology (part of DTHFT) and therapeutic social workers (previously part of Derby City Council's in-house service) to deliver an integrated response to therapeutic needs for:
- Children in the care of Derby City Council, those leaving Care and those adopted;
  - Children and young people who have been sexually abused but remain with birth parents and children and young people who demonstrate harmful sexual behaviour;
  - Looked After Children (LAC) within 20 miles radius of Derby.
- 4.4 A Service Review recently undertaken demonstrated emerging evidence of positive outcomes for children including:
- improved Strengths and Difficulties Questionnaire (SDQ) results;
  - improved placement stability;
  - a more equitable offer for our children and young people placed out of area but within 20 miles, who were now able to receive therapeutic interventions through the service, resulting in better quality and consistency of care.
- 4.5 Additional benefits noted were:
- An integrated approach to therapeutic care for children and young people;
  - Reduced spot purchase of therapeutic support, improving quality and clinical outcomes and reducing non-contract spend;
  - A good value for money service when compared to externally spot-purchased therapy.
- 4.6 The model and Proof of Concept specification, whilst complex, have worked well to deliver positive outcomes and has been well received by service users, staff groups and Commissioners and is therefore proposed to continue.

- 4.7 The service currently operates from a Council-owned property. The property is of an age where it requires significant refurbishment and alterations to ensure that it is fully accessible and fit-for-purpose and these are not considered cost effective. The potential providers shall be asked to consider if they are able to offer suitable alternative premises from which the services can be provided. In the absence of such, it is proposed an alternative more modern property could be offered to the successful provider, if available within the Council's property portfolio. This could be part of the Council's contribution to the service.
- 4.8 Should the successful bidder require the use of an alternative property, which is owned by the Council, the premise would subject to a lease arrangement, the terms of which will be negotiated by the Council's Estates Team and would likely reflect the duration and terms of the proposed contract. The costs of occupying these premises will be met by the prospective bidder.
- 4.9 It is proposed that the service is to commence from 1<sup>st</sup> April 2019, which would allow service continuity. Services are expected to be delivered for three years from 1 April 2019 to 31 March 2022 initially, with the potential to extend for up to two years until 31 March 2024. Such extensions shall be subject to the Council and SDCCG having funding available to continue the services and any service review that may be undertaken. Consideration will also be given to alignment of timescales for similar, county-wide services.
- 4.10 The service will continue to be joint funded and commissioned collaboratively, with contributions from both the Council and Southern Derbyshire CCG.
- 4.11 Whilst it is proposed that Derby City Council is the lead commissioner, it is intended for SDCCG to take an active part in the contract management. A Section 75 agreement or some form of Partnership Agreement is being explored for the term of the contract, with the option to run alongside the contract with the successful provider.

## OTHER OPTIONS CONSIDERED

- 5.1 Cease proof of concept and revert to the pre-existing model. However, this would not deliver the benefits outlined.

This report has been approved by the following officers:

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| <b>Legal officer</b>            | Karen Griffin, Commercial Lawyer                         |
| <b>Financial officer</b>        | Paul McMahon, Principal Lawyer                           |
| <b>Human Resources officer</b>  | Alison Parkin, Head of Finance, People Services          |
| <b>Estates/Property officer</b> | Dawn Bowers, HR Adviser                                  |
| <b>Service Director(s)</b>      | John Sadler, Strategic Asset Manager                     |
| <b>Other(s)</b>                 | Gurmail Nizzer, Service Director                         |
|                                 | Catherine Young, Commissioning Manager, Children In Care |
|                                 | Laura Rose, Category Manager, Procurement                |

  

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| <b>Background papers:</b>            | None  |
| <b>List of appendices:</b>           | Appendix 1 – Implications   |

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| <b>IMPLICATIONS</b> |
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**Financial and Value for Money**

- 1.1 The service is to be joint funded by the Local Authority and Southern Derbyshire CCG.
- 1.2 By extending the reach of the service to up to 20 miles of Derby, this has reduced the amount of spot-purchased therapy and ensured a more equitable service offer, resulting in better value for money.
- 1.3 The costs of premises refurbishments and alterations to the existing property will be avoided, although a contribution is to be set aside for potential minor reconfiguration works to any proposed premises. Inclusion of the use of premises in the Council's contribution to the service adds a significant contribution without requiring additional financial outlay (see para 1.4 below).
- 1.4 The contribution from Derby City Council will be up to £233,000 each year. There may be an additional, none financial contribution in the form of a property if required. In the event that the successful provider does not take up the property, they will need to provide their own premises at their own expense.
- 1.5 At the time of writing, the CCG are yet to formally confirm their contribution, but there is an agreement in principle and the total contract value takes into account what their potential maximum may be and what the Councils maximum contribution would be.
- 1.6 It is proposed the contract value is up to £433,000 per annum, which includes contributions from both parties.

**Legal**

- 2.1 There is the potential TUPE of staff employed by the Council to the successful provider, as detailed in 3.1 below.
- 2.2 The current contract with the provider is held by SDCCG with Derby Teaching Hospitals Foundation Trust (DTHFT) and expires on 31 March 2019.
- 2.3 A new Section 75 funding agreement or similar partnership agreement is being considered to run alongside the contract.

**Personnel**

- 3.1 The staff team from the previous Derby City Council in-house service have been seconded to DTHFT to deliver the Proof of Concept model.

- 3.2 If it is determined that Transfer of Undertakings (Protection of Employment) Regulations 2006 – (“TUPE”) applies, all employees affected would transfer to the successful provider on their existing terms and conditions.

The successful provider would need to ensure as soon as possible prior to the conversion date that they have admitted body status to allow the employees who TUPE to them to continue to pay into the Local Government Pension Scheme.

- 3.3 Derby City Council in its capacity as the employer of the employees affected would be responsible for ensuring that the TUPE process is carried out in accordance with the TUPE regulations. The process would include information and (where applicable) consultation with the trade unions followed by a meeting with all the employees affected to discuss the process and any measures to made before and after the conversion date.

Employees would be offered individual consultation meetings and HR and management would be responsible for completing the ELI (Employer Liability Information) by no later than 28 days before the conversion date. All meetings would be led by a management representative who is supported by a member of HR.

The successful provider would become the legal employer of the employees affected after the conversion date.

- 3.4 If it is determined that TUPE does not apply, Council processes for redeployment and redundancy would be followed, which may result in additional costs.

## **IT**

- 4.1 It is possible that new premises would require IT changes. Additional connectivity through NHS network was implemented as part of the proof of concept and may be desired by a successful provider. This will be considered due course.

## **Equalities Impact**

- 5.1 Both the Council and SDCCG have statutory duties to meet the needs of Children in Care.
- 5.2 By extending the reach of the service to up to 20 miles of Derby, this has enabled the service to be more accessible to Derby’s children in care.

## **Health and Safety**

- 6.1 None noted

## **Environmental Sustainability**

- 7.1 None noted

## **Property and Asset Management**

- 8.1 The current service operates from a Council-owned property which requires refurbishment (due to age) and alterations to make fit for purpose.
- 8.2 The estimated cost of refurbishing the property to the required standard would be in the region of £300,000 to £400,000.
- 8.3 It is, therefore, not considered feasible and viable to bring the property into the condition required in order to make it fit for future service delivery. Accordingly, it is recommended that the service be relocated and the current premises be declared surplus to the Council's requirements.
- 8.4 It is proposed that there may be minor configuration works required for any property which the Council may consider to offer, funded from the Property Rationalisation budget.

### **Risk Management and Safeguarding**

- 9.1 The service delivery meets the statutory obligations to ensure we safeguard our children in care and promote a safe and secure environment for service delivery.
- 9.2 A change of location for the service will highlight risks that will need to be carefully managed.
- 9.3 It is proposed to ensure service continuity by the new contract being in place by 1<sup>st</sup> April 2019.
- 9.4 It is proposed the working partnership between the Council and SDCCG will be underpinned by either a new s75 funding agreement or similar Partnership Agreement, ensuring a smoother collaboration.

### **Corporate objectives and priorities for change**

- 10.1 This initiative supports the following corporate priorities:
  - Protecting vulnerable children and adults;
  - Promoting health and wellbeing;
  - Delivering services differently.
- 10.2 The Service aims to reduce the spot purchase of high cost therapeutic interventions for Children in care and support placement stabilisation, which remain key priorities for People's Services and the wider Council.



