

London Borough of Hammersmith & Fulham

Report to: Cabinet

Date: 04/01/2021

Subject: Update to collaboration agreement for Children's Social Care

Report of: Cllr Larry Culhane - Cabinet Member for Children and Education

Report author: Will Parsons - Strategic Lead, Children's Commissioning

Responsible Director: Jacqui McShannon - Director of Children's Services

SUMMARY

This report seeks approval to vary the Collaborative Delivery Agreement (the "Agreement") between the London Borough of Hammersmith and Fulham, Royal Borough of Kensington and Chelsea and Westminster City Council, by withdrawing the Children's Placements service and the Local Safeguarding Children's Partnership service from that Agreement.

The report also seeks to delegate authority to the Chief Executive Officer to approve any further disaggregation of services or variations to shared services within the Agreement.

RECOMMENDATIONS

1. To vary the Collaborative Delivery Agreement dated 5 April 2018 between the London Borough of Hammersmith and Fulham, Royal Borough of Kensington and Chelsea and Westminster City Council from 1 April 2021, unless agreed otherwise, to enable H&F to terminate its involvement with the collaborative delivery of:
 - the Children's Placements Service; and
 - the Local Safeguarding Children's Partnership;
 - and to reduce H&F's financial contribution of £150k per annum towards the Action for Change Programme by approximately 50%;
 2. To delegate authority to the Chief Executive Officer to approve any future variations, extensions or disaggregation or termination (in full or in part) by H&F of the Collaborative Delivery Agreement.
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Wards Affected: none

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	To ensure best use of financial resources and improved services for local residents.
Creating a compassionate council	To ensure all children and young people are provided with care and support suitable to their needs.
Being ruthlessly financially efficient	To ensure frontline services are delivered within budget.
Taking pride in H&F	Returning services to sovereign H&F delivery will improve services for residents.

FINANCIAL IMPACT

Placements Team

The recommendation seeks to terminate the collaborative delivery of the Children's Placements Service. The 2020/21 H&F budget for the shared Placements Team is £121,500. This is included within the Children's Commissioning team budget and is based on H&F contributing towards 33% of 6 posts. Activity data from Bi-Borough indicates that for 2020/21 H&F would need to contribute towards 49% of 8 posts in the team which would be approximately £237,000 and lead to an overspend of £115,500.

Moving to a sovereign team integrated into the Children's Commissioning function will enable the service to be brought within the existing budget.

Local Safeguarding Children's Partnership

The recommendation seeks to terminate the collaborative delivery of the Local Safeguarding Children's Partnership. The H&F budget for the Local Safeguarding Children's Partnership staffing is £109,600. This is made up of £84,600 general fund and £25,000 of income (£20,000 from Clinical Commissioning Groups, £5,000 from Mayors Office for Policing and Crime).

The £109,600 funds H&F's 33% share of 6 post holders and an 11% contribution to the Bi-Borough Head of Safeguarding for management costs. This equates to roughly 2 FTEs.

The proposed new structure for a sovereign LSCP will create a shortfall of £65,581 against the existing budget. This will be considered as a growth bid in the annual budget setting process for 2021/22. If not agreed, Children's Services will need to consider other mitigating actions to manage this.

Action for Change

The recommendation seeks to reduce H&F's financial contribution of £150,00 per annum towards the Action for Change Programme by approximately 50%. H&F have

a general fund budget of £149,300 for Action for Change. This is based on posts within the team and the H&F share of each post. The percentage share of costs that each borough incurs reflects the number of referrals for the relevant financial year.

The aim is to reduce H&F's contribution to the service by 50% generating a saving of up to £75,000. This saving will be used to manage other spending pressures within the department.

LEGAL IMPLICATIONS

This report seeks Cabinet approval to vary the Collaborative Delivery Agreement, dated 5 April 2018 between London Borough of Hammersmith and Fulham, Royal Borough of Kensington and Chelsea and Westminster City Council, to enable H&F to terminate and vary the collaborative delivery of:

- the Children's Placements Service; and
- the Local Safeguarding Children's Partnership
- and to reduce H&F's financial contribution of £150k per annum towards the Action for Change Programme by approximately 50%.

All proposed variations above shall be effective from 1 April 2021 unless agreed otherwise.

Termination in Part

The proposed termination in part of the Children's Placements Services and Local Safeguarding Children's Partnership is permitted under the Agreement in accordance with Clause 25.2 (Termination Without Fault). H&F is required to either provide not less than 3 months' written notice to RBKC and WCC of the termination in part, or H&F, RBKC and WCC may agree to the variation of the Agreement in writing. The proposed variations to the Agreement set out above should be formally entered into by way of a deed of variation.

Variation to Financial Contribution

The proposed variation to H&F's annual financial contribution towards the Action for Change programme is in accordance with Clause 27 (Variations) of the Agreement. H&F must serve a Variation Notice setting out the details of the proposal, reasons, and costs and resource implications associated with the variation. The variation to the financial contribution must be agreed by the Collaborative Delivery Board where the contribution change has an impact on the budgetary requirements of RBKC and WCC (Schedule 4, paragraph 10.7). H&F must also obtain approval from the Executive Directors for the Action for Change programme service and approval from the relevant s151 officer (Schedule 4, paragraph 10.8).

Delegation Request

The report also requests Cabinet to delegate authority to the Chief Executive Officer to approve any future variations, extensions or disaggregation or termination (in full or in part) by H&F in relation to the Collaborative Delivery Agreement

The Agreement period is from the 1st April 2018 until the 31st March 2019, with the option to extend for 'such period or periods as they shall agree', however no

extensions have been agreed by the parties. Provided that the parties have continued the arrangement in a way which is consistent with the terms of the expired Agreement, this supports an argument that the Collaborative Delivery Agreement continues to dictate the relationship of the parties.

Following approval of this report, officers intend to immediately engage with the Bi-Borough partners to extend the Collaborative Delivery Agreement formally, which shall be approved by the CEO in accordance with the recommended delegation under this report.

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Background Papers Used in Preparing This Report

- Leader's Urgency Report – Decision to enter into co-operation agreement with the Royal Borough of Kensington and Chelsea (RBKC) and Westminster City Council (WCC) for Collaborative Delivery Services –15 March 2018 - PUBLISHED

PROPOSALS AND ANALYSIS OF OPTIONS

1. On 15 March 2018 the Leader delegated authority to the Chief Executive to enter into a Collaborative Delivery Agreement (Section 113, Local Government Act 1972) for shared services across Children's Services, Adult Social Care and Public Health with the Royal Borough of Kensington and Chelsea (RBKC) and Westminster City Council (WCC). This decision was exercised on 29 March 2018.

Children's Placements Service

2. It is proposed that notice be given to end H&F delivery of the shared service of the Children's Placement service, which has responsibility for placing Looked after Children and Children leaving the care system. The placements team provides a single point of contact and duty service for social workers requiring placement for a child entering care or needing a change of placement.
3. The overarching options for future delivery of the Children's Placements service are:
 - Option 1 – Remain as is, with this option the Collaborative Delivery Agreement would need to be varied to reflect increased activity for H&F placements and an overspend is anticipated with this option.
 - Option 2 – Return the function into H&F Children's Services. This is the recommended option and will enable closer scrutiny of placement finance and commissioning. A separate structure is being considered on the option of locating the team within Children's Commissioning.

Local Safeguarding Children's Partnership (LSCP)

4. It is proposed that notice also be given to end H&F's delivery of the shared service of the Local Safeguarding Children's Partnership under the Agreement. The LSCP is a statutory multi-agency partnership arrangement, of both statutory and voluntary agencies, which coordinates local work to safeguard and promote the welfare of children and to ensure the effectiveness of the member organisations.
5. The LSCP's principal role is one of local scrutiny and governance in respect of all child protection and safeguarding practice, whereby the partners have a statutory responsibility to hold each other to account and improve outcomes for children, families and communities.
6. An independent review of the three borough LSCP was commissioned in August 2020 and the final report has been submitted to Partners¹ and will be published. Whilst the findings do not make clear recommendations about whether to remain as a three borough LSCP, they reflect the recent experience of H&F in concluding that *'there is evidence that the current arrangements, structure and purpose do not meet the demands of an ever-changing landscape'*.
7. The inherent differences in the three boroughs make it difficult to effectively respond to each borough's specific issues and priorities, and the LSCP encounters challenges with ensuring that borough specific issues are addressed. It is evident that Hammersmith & Fulham's relationship with the Bi-Borough is no longer sufficiently connected to ensure a proportionate and equally focused arrangement, which fully addresses H&F agendas and initiatives and for this reason disaggregation to sovereign delivery is recommended. The recommended approach is to return the LSCP function to sovereign delivery in H&F commencing on 1 April 2021.

¹ Partners include the Met Police, Probation, CAFCASS, London Fire Brigade and the CCG.

Action for Change Programme

8. The Action for Change programme delivered under this Agreement is a service providing intensive and assertive outreach to assist birth parents who have had their child or children removed permanently from their care, and for pregnant women who have had children removed from their care previously. The service aims to prevent recurrent care proceedings by helping birth parents to have a better understanding of the reasons for the previous removal of their child and to help manage the consequences of having a child removed.
9. The Action for Change team occupies a unique position of being within Children's Services but also separate and independent from individual social work teams. This can offer important opportunities and benefits that enable families and parents to engage in non-statutory support and intervention.
10. Proposals for this programme include a reduction in the overall funding contributions by H&F with a corresponding reduction in referrals made. Revised referral criteria and greater oversight of cases being put forward for the programme will ensure improved use of resources and that those families most likely to benefit from an intervention access the service. The Children's Services permanence panel will serve as the gateway for new referrals and tracking cases from referral through to closure.

Remaining Services

11. There are no proposed changes to remaining shared services listed in the table below at the current time on the basis they currently represent value for money and would present both financial and operational challenges to deliver on a sovereign basis. In addition to this, services such as fostering have a strong reputation for service delivery and quality following inspections.

Service	Hosting Arrangement
Fostering & Adoption Recruits, prepares and assesses foster carer resource, approved to meet the placement needs of Looked after Children.	LBHF
Multi-agency Safeguarding Hub (MASH) MASH is a multi-agency function that combines agencies from a range of services to coordinate and make use of combined knowledge to safeguard vulnerable children and adults.	WCC
Emergency Duty Social Work Team (EDT) The EDT service is a statutory service designed to provide urgent out of hours referrals for statutory intervention, specifically to protect vulnerable adults and children across all 3 boroughs.	RBKC
Family Services and Education Projects including Centre for Social Work and Music Hub Continuation of services and projects listed in the original Agreement	RBKC

<p>Troubled Families Business Intelligence Key to the measurement processes of this service is a single data system (BIDS) which uses data from a range of sources to identify families from all three boroughs to track progress of the families concerned.</p>	WCC
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REASONS FOR DECISION

12. Returning both the Children's Placement service and the LSCP to sovereign delivery in H&F will enable greater control and improved integration of services across Children's Social Care. Returning Placements and reducing Action for Change contributions will also ensure services are delivered within budget and provide financial contributions towards H&Fs Children's Services savings targets.

EQUALITY IMPLICATIONS

13. There are no anticipated negative implications for groups with protected characteristics, under the equality Act 2010, by the approval of these proposals.
14. The decision relates to a protected characteristic deemed vulnerable (young people). Officers have indicated that by bringing these services to sovereign delivery by H&F there will be no decommissioning any services, only changing the operational arrangements to deliver them.

Implications completed by: Fawad Bhatti, tel. 07500 103617.

RISK MANAGEMENT IMPLICATIONS

15. Shared Services arrangements should be reviewed periodically to ascertain if performance and value for money is being delivered. The report's Financial Implications point to several convincing contributing factors that suggest the most appropriate option is to re-establish sovereign based services for the Children's Placement service, which has responsibility for placing Looked after Children and Children leaving the care system. Additionally, the proposals recommend that the Local Safeguarding Children's Partnership (LSCP) return to a sovereign service to enhance scrutiny and decision making to fully address local issues.
16. Returning the services to sovereign delivery will enable greater control of service delivery and ensure services are delivered within budget and provide contributions towards the Children's Services savings targets. Consideration would naturally have to be given to ensure that operational risks, such as information management (data), people and service user are managed within a re-integration project.
17. The Section 113 agreement would need to be amended to reflect the changes as outlined in the report to maintain clear governance of the remaining Shared Services.

Implications verified by: Michael Sloniowski, Risk Manager, tel 020 8753 2587

List of Appendices

N/A