

13 December 2016

TO THE CHAIR AND MEMBERS OF CABINET

TRANSFER OF FAMILY SUPPORT SERVICES TO DONCASTER CHILDREN'S SERVICES TRUST

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Nuala Fennelly Cabinet Member Children, Young People and Schools	All	Yes

EXECUTIVE SUMMARY

1. Doncaster Children's Services Trust (DCST) was established on 30 September 2014, upon Statutory Direction from the Secretary of State (SoS), having responsibility for the delivery of children's services in Doncaster, but with the exception of a number of services. As part of the separation the case holding family support function was divided into two parts, i.e. intensive family support, which transferred to DCST, and low level family support that remained with Children Centres (CC's).
2. The Council remains the lead agency for Early Help (EH) Partnership response and provides leadership through the implementation of the Early Help strategy. It also delivers early help services through Children Centres. A transformation program is underway to implement the 'Starting Well' service, transforming Children Centres into Family Hubs with a specific focus on the first 1001 days in a child and their family's life.
3. Significant progress is evident in the coordination and delivery of the partnership Early Help (EH) offer of which the delivery of case holding family support and parenting programmes are a part of. However the following improvements have been recognised by senior leaders in the Council and the Trust:
 - Closer alignment and integration of case holding family support work across DCST and DMBC. The current delivery model is causing fragmentation in the care pathway and a degree of confusion within the system that is not effective nor supportive to practitioners and families.
 - The development of a partnership parenting strategy that includes the delivery of parenting programmes. These will be part delivered by family support workers.
4. It was agreed during the annual contract review 2014/15 to explore closer working arrangements between the two services with a view to making recommendations as part of the 2015/16 annual contract review re the alignment and accountability of both services.

5. The closer alignment of case holding family support functions was also confirmed in recent external scrutiny reports published, i.e. the Achieving for Children 'deep dive' regarding Early Help and the LGA peer review.
6. Following discussions with DCST at the Annual Review of the Service Delivery Contract on 11 November 2016, it has been agreed in principle, subject to formal agreement by the necessary decision making bodies within each organisation, for the voluntary transfer of the low level case holding family support function, with immediate supporting budget, to Doncaster Children's Services Trust.
7. Following the approval of the recommendation to transfer services to the Trust, a formal submission will be made to the Secretary of State to issue a Statutory Direction that will address issues relating to procurement and VAT regulations, and thereby retain a consistency of approach across all services transferred to the Trust. The request for a Statutory Direction will be detailed within the Annual Report that must be submitted to the Secretary of State by 20 December 2016.
8. Following approval at Cabinet, an implementation plan will be developed with a prospective completion date of Mar 2017, subject to: The agreement to transfer by the Trust Board; timely issue of a supporting Statutory Direction from the Secretary of State; and no undue delays relating to legal and financial considerations.
9. Formal consultation with staff will be required when Cabinet approval and a revised Direction from the Secretary of State regarding the transfer to DCST has been received. Prior to this management can commence informing staff of the intention to transfer their employment and advise families of service users of the proposals.

RECOMMENDATIONS

10. To agree with the proposal, subject to the Secretary of State issuing a supporting Statutory Direction, to transfer the low level case holding family support function, with immediate supporting budget, to Doncaster Children's Services Trust.
11. Note the draft proposed budget of £730,280 and agree that the Chief Financial Officer undertake the final negotiations on the on-going and any one-off funding to be provided to the Trust and sign off the final budget in consultation with the Mayor.
12. Agree that the transferring service falls under the same arrangements as approved by the Doncaster Children's Trust Report to Cabinet on 17th September 2014.
13. To approve that subsequent decisions that may be required following the issue of a Statutory Direction by the Secretary of State that is accordance with the recommendation made to Cabinet be delegated to the Director of Children's Services and the Chief Financial Officer in consultation with the Mayor and Portfolio Holder for Children's Services.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

14. Whilst the coordination of Early Help has much improved during the last year and co-working relationships between the Council and the Trust continue to develop and improve, both partners recognise that the integration of the two family support functions will be of benefit to the wider system and ultimately families.
15. Children and young people together with their families will receive an improved seamless service from a combined team of family support workers who will deliver family support, including parenting programmes across the spectrum of need. Families will benefit from receiving help earlier through family support/parenting interventions that are tailored to their needs, evidenced based and well-coordinated.

EXEMPT REPORT

16. This report does not include exempt information.

BACKGROUND

17. The Children and Families Strategic Board (CFB) has defined early help as:

'The job of all public, private, voluntary and community services as well as citizens in Doncaster, is to prevent and intervene early with children, young people and families experiencing problems in order to prevent escalation of problems. This will deal with root causes, providing support at an early age and an early stage of problems emerging. We will do this by taking a whole family approach and intervening in a co-ordinated way.'

18. It is a partnership responsibility and interventions are organised and delivered against the continuum of need. (see link under background papers) For example early help services are delivered by midwives, health visitors, Children centres, schools, youth services, etc.
19. Early Help interventions range from a health visiting appointment supporting a new mum when she is feeling low, to play and stay sessions in CC's, to wrap around individual family support packages.
20. A family experiencing multiple problems may not have the resilience to overcome the problems facing them, or the motivation or capacity to get the support they need. A large proportion of these families will have four or more members, often where a lone parent is struggling to cope and set boundaries. Substance misuse and/or mental health problems are common and often a factor leading to family violence and increased risk of children being taken into care. For many families, debt and financial exclusion related to parental worklessness or low paid, unstable employment leads to additional stress and risks around housing security. A lack of capacity to cope and poor family functioning will often result in a lack of engagement in learning, leading to low school attendance and attainment, as well as consequences from poor behaviour in the classroom. Positive parenting that can help achieve success for parents and for children is

often missing and may result in young people leaving school with complex barriers preventing engagement in further education, employment or training.

21. These families are often known to many agencies and their chaotic lifestyle can also cause problems in local communities. They will be the families who may have moved in and out of services as they hit intervention points, entered the criminal justice system, come near to eviction etc. Many agencies will work with elements of these families at different times but only when they meet their threshold for service or intervention. Individual services are not meeting the range of needs for the whole family and agencies will be familiar with the revolving door and intergenerational issues within these families.
22. Providing parenting and family support for families with multiple problems often succeeds when everything else has failed and supports families to not enter the social care statutory framework.
23. Family support and parenting achieves lasting benefits; not just for the children involved; their families and those in the local community they come into contact with; but for other local services as well by building on the strengths of the family and their networks to tackle a whole range of factors rather than seeking to address individual risks. The impact of coordinated intensive support can be fairly immediate and help reduce the often excessive demands these families make on local services through staff time and the financial costs of failing to intervene earlier.
24. Both local and national evidence suggests that a lead practitioner who can provide a coordinated intervention is pivotal in providing challenge and support to families, enabling them to tackle problems and improve long term life chances.
25. Family support workers act as lead practitioners and develop a relationship with the family to provide support that builds on the strengths of the family, while taking a persistent, assertive and challenging approach. They work intensively with families, helping them navigate the 'system' and work with other professionals to ensure the family can access the right help, at the right time, in the right order, in the right place and by the right person.
26. Many of these families will meet the stronger families' criteria.
27. Due to the division of the intensive family support service in 2014/15 DMBC and DCST deliver similar family support services which is:
 - Causing fragmentation and confusion in the Early Help pathway.
 - Unnecessary delay in allocation of cases: Contacts are received to the Early Help Hub where a decision is made as to which service is responsible to act as lead practitioner. Since the two services are managed separately the Hub decides which level of intervention (low level – DMBC / intensive family support –DCST) is required and then allocate the case. At times there is a disagreement in relation to the level of intervention required which leads to further discussion etc. and a possible change of allocation.
 - Inconsistencies in how family support work is delivered.

- Fragmentation in the partner response to stronger families.
28. Prior to the 'Growing Futures' program and associated innovation funding, the delivery of parenting programs has been uncoordinated and costly with practitioners, across the partnership, that was trained to deliver various parenting programs. No coordination or impact on outcomes for families were evident.
 29. Through the Growing Futures program resource were allocated to assess the need, evidence base, current delivery model and the level of coordination required in relation to parenting support. All of this work is nearing completion and so is the resource as the funding is due to cease when the current program ends in December 2016.
 30. There is a need to use this position statement to develop a parenting strategy that is well coordinated and evidence based. An opportunity exists, through the transfer of the DMBC family support service to the Trust, to create the necessary resource to support this future ambition.
 31. Senior officers from both organisations have been working on a comprehensive service specification that sets out the expectation of family support services with the main aim to support families early and outside a social care framework. A transitions plan describes a 1 year integration program - although staff will be transferred in accordance with the provision of TUPE over to the Trust, there will be a 1 year transition program in place where the service will be supportive of the design and promotion of the universal Early Help offer with a gradual refocusing to those families who require multi-agency early help responses.
 32. Clear expectations are set for the family support function to conduct their operations in a 'Stronger families' way and to ensure robust tracking of families.
 33. Senior officers remain committed to their leadership role in creating a Early Help pathway and system that is effective and of high quality. This include the focus on a cultural change model rather than a structural change approach.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

34. The following success criteria has been identified that each of the options were tested against:
 - Seamless pathway for the delivery of family support.
 - Easy step-up and step-down to and from social care services in relation to lower levels of intervention.
 - Consistency in the delivery of family support work.
 - The coordination and delivery of a parenting strategy – including the delivery of evidence based parenting programs by the whole of the partnership.
 - Better engagement with the stronger families program.
35. Option 1: DO NOTHING – By doing nothing the services will continue to be delivered by DMBC and DCST. Fragmentation and inconsistencies in service delivery will remain and there will be no identified resource to continue the work

around a parenting strategy.

36. Option 2: Transfer the DMBC family support service to the Trust. By doing so an opportunity arises to co-design an integrated family support offer that includes the coordination of a Doncaster parenting strategy.

Option 2 is the preferred option.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

37.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>By effectively supporting families as early as possible they are enabled to engage and contribute to the local economy.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Early intervention, specifically family / parenting support enables families to thrive and live independently.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>None</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Early intervention, specifically family / parenting support enables families to thrive and live independently.</p>
	<p>Council services are modern and value for money.</p>	
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>The Council is the lead partner in the delivery and coordination of the Early Help offer. The transfer of family support services to DCST enables better coordination of the pathway and enables the Council to focus on</p>

		Starting Well and its leadership role.
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RISKS & ASSUMPTIONS

38. The transfer of DMBC family support services to Doncaster Children’s Services Trust is dependent upon the agreement by the Doncaster Children’s Services Trust Board. However, initial agreement has been provided at the Annual Review of the Service Delivery Contract with the Chief Executive of the Trust, but full consent will be subject to a formal ‘major change request’ that details the financial implications to the Trust being presented for agreement by the Trust Board. The transfer will also be dependent upon the Council and the Trust agreeing the final budget to fund the transferred services and the related support services.
39. Furthermore, the transfer is also dependent upon the Secretary of State agreeing to the transfer of the family support service and issuing a supporting Statutory Direction that is in accordance with the locally agreed proposal, and also upon an extension of the existing VAT refund mechanism to the Trust. The issue of a Statutory Direction has been highlighted to the DFE as unhelpful and been validated by external scrutiny reports for example the report from Achieving for Children regarding Early Help. The DFE is currently considering how to change this.
40. The policies and practices within the Family support service will be subject to review by the Trust to ensure there is an integrated approach to the delivery of family and parenting support. The application of increased rigor around core processes may lead to a short term dip in key performance indicators. This will be mitigated by the development of an implementation plan that will address areas including staff communication, induction process, and training.

LEGAL IMPLICATIONS

41. The Council entered into a contract for the provision of Childrens Services with Doncaster Childrens Services Trust (“the Trust”) on 30th September 2014. The Council was directed by the Secretary of State for Education to transfer certain services to the Trust using the powers contained within Section 497A (4A) of the Education Act 1996. The Secretary of State’s September 2014 Direction listed the services which were to transfer to the Trust. Legal advice obtained at the time by the Council confirmed that as the Council was acting in accordance with a Direction by the Secretary of State that an EU Procurement process was not required to identify a service provider.
42. The services referred to within this report as “Family Support services” (the Services”) were not contained within the September 2014 Direction. These services cannot be transferred to the Trust without either a Secretary of State Direction or a procurement process (in accordance with Council Contract Procedure Rules) being followed. The Council has asked the Secretary of State to issue a Direction allowing the transfer of services. That Direction enables the Council to transfer the Services to the Trust without the need for a further procurement process.
43. Council staff currently carrying out the Services will transfer to the Trust in accordance with the provisions of TUPE. TUPE imposes obligations on the

incoming and outgoing employers of transferring staff. Specific legal and HR advice has been provided regarding the obligations of the outgoing employer and the incoming employer and to ensure that an appropriate consultation process is carried out with affected staff. If a Direction is not received, further specific legal advice will be required.

44. The Council and the Trust will be required to sign a contract variation which will incorporate the Family Support service into the existing contract between the Council and the Trust.

FINANCIAL IMPLICATIONS

45. Amendment to the Trust Budget

The agreed budget (Contract Value) with the Trust for 2016/17 is £43.024m. It is estimated that the direct additional budget to be transferred to the Trust on the proposed commencement date of 1st April 2017 for the first 12 months for Family Support is £0.730m as presented in the table below. Included in the budget being transferred is £0.039m for a temporary Deputy Locality Manager (Grade 9) for 12 months which will be subject to review whether this funding continues. The full year budget of £0.730m will need to be split across financial years if the commencement date of the transfer is after 1st April 2017. Price and pay inflation for 2017/18 in the MTFF for the Early Help Service needs to be reviewed as there may be inflation relating to Family Support that needs to be added to the budget value to transfer to the Trust. Note that there needs to be a review of the existing SLA's with the Trust to identify any adjustments due to the transfer of additional services. Initial thoughts are changes will be small and there are no additional TUPE requirements for Council support staff.

Expenditure Description	Budget to transfer to DCST £
Employees: Family Support Workers x 24 FTE's (Grade 7)	580,350
Employees: Permanent Deputy Locality Manager x 1 FTE (Grade 9)	38,580
Employees: Temporary Deputy Locality Manager (12 months) x 1 FTE (Grade 9)	38,580
Indirect Employee Costs	3,140
Supplies & Services	53,970
Transport Related Expenditure	12,250
Transfer Payments	490
Third Party Payments	2,920
TOTAL	730,280

46. The budget transfer value is subject to due diligence and confirmation with the Trust as well as approval by the Secretary of State. DfE grant funded items under the original agreement, such as additional Vat costs, also need detailed analysis. The transfer of budget to the Trust will be subject pro-rata adjustment depending on the timing. There may be other one-off costs associated with the transfer, e.g. legal costs to for novation of supplier contracts. However, it is anticipated if any arise, they will be small and managed within LOCYP budget.

Pensions

47. The Trust has Admitted Body Status to the South Yorkshire Pension Fund. This enables Trust staff to stay in the Local Government Pension Scheme. The Council 'guarantees' the Trust's pension payments and liabilities in the SYPF. The pension deficit relating to staff transferring to the Trust will be independently valued and this sum will remain the council's responsibility to repay over the next 20 years, for which the Council has set aside revenue budgets to meet this estimated but highly variable sum.
48. As set out in the 17th September 2014 Cabinet report, the Trust will need to monitor and control its activities in terms of recruitment and early retirement, such that it does not build up future pension liabilities in relation to its staff that are more than the annual ongoing pension budgets that the Council will transfer to it. Note, in order to monitor this, the DfE funds an annual actuarial valuation of the Trust's pension liabilities (normally undertaken every 3 years).

Assets

49. As agreed for the setup of the Trust, the Council will need to transfer rights to use a number of council assets under license to the Trust. These mainly consist of I.T. and other equipment. An inventory and valuation will need to be produced.
50. The accommodation costs of the staff to transfer are to be reviewed, and there may be additional funding added to the budget value to transfer to cover the cost of any lease agreements that may be required.

Financial Risk Share/Cash Flow

51. No changes are proposed to the existing contractual arrangements with the Trust on the financial risk share mechanism, interest free loan or payments schedule.

HUMAN RESOURCE IMPLICATIONS

52. There are significant human resource implications arising from this report. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) (TUPE) protects the rights of employees in a transfer situation enabling them to be protected on the same contractual terms and conditions and their continuity of service is also preserved.
53. Where employees transfer the "transferee" will take over the rights and obligations arising from those contracts of employment, except criminal liabilities. Any liabilities relating to employees who were dismissed before the transfer (for a reason connected with it) also transfer to the transferee.

54. The Council has a responsibility to conduct a full and meaningful consultation with employees at the earliest practicable time. The Council is also obliged to give the “transferee” written information about the employees who are to transfer. The “transferee” will need to inform the transferring employees of any “measures” that it intends to take following the transfer.
55. Human Resources will provide advice and guidance on the processes to be followed in relation to staff and pensions throughout.

TECHNOLOGY IMPLICATIONS

56. There are no direct technology implications at this stage. Any technology requirements would need to be considered by the ICT governance board (IGB) in line with agreed ICT governance processes. Technology developments identified will maximise the use of IT and digital development in line with the Council’s strategies, standards and governance arrangements.

EQUALITY IMPLICATIONS

57. A Due Regard statement has been started which will be completed for inclusion within a final project implementation report that will be produced to inform the Director of Learning Opportunities and Skills and the Director of Finance and Corporate Services, in consultation with the Mayor and the Cabinet Portfolio Holder, prior to final sign-off to effect transfer of family support service to DCST. This report will detail the Due Regard statement and will ensure that they are fully aware of the steps taken to ensure due regard is taken of the Equality Duty.

CONSULTATION

58. None.

BACKGROUND PAPERS

59. Early Help Strategy for Children, Young People and Families 2015-18

http://www.doncastersafeguardingchildren.co.uk/Images/Multiagency%20Early%20Help%20Strategy%20v6%201_tcm36-111191.pdf

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