

DECISION TITLE: DELEGATION OF FUNCTION TO CAMBRIDGESHIRE COUNTY COUNCIL FOR THE COMMISSIONING OF INDEPENDENT ADVOCACY SERVICES FOR CHILDREN/YOUNG PEOPLE ACROSS PETERBOROUGH AND CAMBRIDGESHIRE
Councillor Bisby, Cabinet Member for Children’s Services
November 2023
Deadline date: N/A

Cabinet portfolio holder:	Councillor Bisby, Cabinet Member for Children’s Services
Responsible Director:	Stephen Taylor, Executive Director for Adult Social Care & Commissioning
Is this a Key Decision?	YES If yes, has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/24APR23/02
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO

RECOMMENDATIONS
The Cabinet Member is recommended to:
<ol style="list-style-type: none"> 1. Authorise the delegation of function to Cambridgeshire County Council to act as the lead Local Authority in commissioning Independent Advocacy Services for children/young people across Peterborough & Cambridgeshire from 5th February 2024 until 4th February 2027 with the option to extend for 12 months. This shall include the associated transfer of funding to Cambridgeshire County Council of £35,368,00 per annum, totalling a maximum of £141,472.00 over the 4 years period. 2. Authorise a Delegation and Partnering Agreement between Peterborough City Council and Cambridgeshire County Council to enable the function to be transferred between the local authorities in respect of this function. 3. Endorse that Cambridgeshire County Council, as the lead authority, enter into a contract with the successfully procured provider for the delivery of this function.

1. PURPOSE OF THIS REPORT

1.1 This report is for the Cabinet Member to consider exercising delegated authority under paragraph 3.4.3. of Part 3 of the constitution in accordance with the terms of their portfolio.

2. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. **BACKGROUND AND KEY ISSUES**

3.1 **Context**

In 2016 Peterborough City Council (PCC) and Cambridgeshire County Council (CCC) jointly commissioned an All-Age Independent Advocacy Service for children, young people and adults. Each council entered into separate contracts with the successful provider for provision of services within each Council's boundary. The contracts commenced in October 2016; meeting the statutory requirements (set out in Appendix A).

At present, Voiceability is contracted to deliver the Independent Advocacy Service, however sub-contracts Children's Advocacy to The National Youth Advocacy Service (NYAS) and Deaf Support Advocacy to the Cambridge Deaf Association.

In addition to the core independent advocacy service, Children's Advocacy includes:

- **Age Assessment Support:** Supporting Separated Migrant Children (SMC) who are required to take part in an assessment to determine if they are a child or an adult due to uncertainty around their age. The service provides an Appropriate Adult to support them and ensure that they are aware of their rights, with the process being conducted in a way where the Young Person is supported.
- **Return Interviews:** Supporting children/young people who have gone missing from their home (including children in care).

3.2 **Recommissioned Contract**

The current contracts for the All-Age Advocacy Service expire on 04.02.2024 following an extension period from 01.10.2023. A competitive tender process has been carried out over 2023 as a joint procurement exercise between both Adults and Children's Commissioning in PCC and CCC alongside the Cambridgeshire & Peterborough Integrated Care Board (C&P ICB). A Memorandum of Understanding between PCC, CCC and PCICB documented each parties' responsibilities throughout the duration of the procurement exercise.

The tender was separated into three lots, each with their own contract to be awarded upon completion of the procurement:

- Lot 1 – Cambridgeshire County Council's Adults Independent Advocacy Service
- Lot 2 – Peterborough City Council's Adults Independent Advocacy Service
- Lot 3 – Cambridgeshire County Council & Peterborough City Council's Children's Independent Advocacy Service

Lot 1 contract shall be awarded by CCC.

Lot 2 contract shall be awarded by PCC and authorised by Peterborough City Council's Cabinet in November 2023 (KEY/8MAY23/01).

Lot 3 contract shall commence 05.02.2024 for a contract term of 3+1 years, and will be entered into by CCC and the successful provider, with PCC delegating the function of Independent Advocacy Service for children/young people to CCC and contributing

£35,368.00 per annum to CCC for this function. As detailed within the specification, the requirements of the Advocacy Service for each Local Authority are as follows:

Advocacy Service	No. Children/Young People per year	
	Cambridgeshire	Peterborough
Advocacy for Children in Care	150	120
Advocacy for children and young people wishing to make a complaint	25	15
Advocacy for Initial Child Protection Conference	100	N/A
Advocacy support for children and young people in SEND Mediation and Dispute Resolution	10	10
Independent Mental Health Advocacy	10	10

Alongside the above advocacy service, the provider will be required to provide a visiting advocate to the 5 in-house Children's Homes (3 Cambridgeshire and 2 Peterborough).

Both the Return Interview and Age Assessment services from the current contract have not been included within the retender as the services are being brought in house. This will allow the recommissioned Advocacy Service for children/young people to be much more focused.

Approval is sought for PCC to delegate the function for the Independent Advocacy Service for children/young people to CCC, who are the lead local authority in commissioning this function across Peterborough and Cambridgeshire. The service has been commissioned in accordance with the Public Contracts Regulations 2015.

The contract monitoring and quality assurance of the successful provider will be shared by PCC and CCC, detail of which will be outlined within a Delegation and Partnering Agreement.

4. CORPORATE PRIORITIES

4.1

1. *The Economy & Inclusive Growth*

- Following completion of the Carbon Impact Assessment, there have been no specific implications identified as this service will not see any significant changes to the way Advocacy services are provided in Peterborough.
- Social Value will be measured as part of the contract monitoring, with a local workforce being a priority, ensuring that where possible jobs associated with the Advocacy service are created and maintained within Peterborough.

2. *Our Places & Communities*

- Advocates will help support children/young people to express their views and access available services that impact on their health and wellbeing, lives and work in the right place at the right time.

3. *Prevention, Independence & Resilience*

- Children/young people will be supported to express their views to enable them to engage with services, which in turn will lead to higher attainment in education.

4. *Sustainable Future City Council*

- The Advocacy Service will be subject to quarterly contract monitoring which will include Open Book Accounting to enable Council officers to review the provider spend throughout the contract. The contract monitoring will include outcome based targets, including for Social Value, enabling Council officers to monitor performance against the Council priorities and outcomes.

5. CONSULTATION

- 5.1 The recommissioning of the Independent Advocacy Service for children & young people has offered the opportunity for market engagement to seek the views of a wide range of stakeholders, such as colleagues from SEND services, Adult Social Care, Children's Social Care and Health Services, and advocacy providers. Commissioners have contacted other local authorities to benchmark and compare services, budgets and service delivery models.

Adults and Young People were consulted on their experiences too, including an engagement workshop held with young people in March 2023. All of this contributed to the development of intended outcomes and the service specifications for this service.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 PCC to delegate this function to CCC to act as the lead Local Authority in commissioning Independent Advocacy Services for children/young people across Peterborough & Cambridgeshire from 5th February 2024 until 4th February 2027 with the option to extend for 12 months. The Independent Advocacy Service for children & young people across Peterborough and Cambridgeshire shall be a four-year contract for which CCC shall contract with the successful provider on behalf of both authorities, underpinned by a Delegation and Partnering Agreement between PCC and CCC.

7. REASON FOR THE RECOMMENDATION

- 7.1 A CCC led contract for the Children's Advocacy service across Peterborough and Cambridgeshire, whereby PCC shall delegate the function to CCC, reflects the provider market, allowing providers to run a cost-efficient service across the two Local Authorities.

Separating off the Age Assessment Support and Return Interviews will allow the Advocacy provider to focus entirely on the primary service, with highly skilled specialised providers taking on the smaller services. This will allow the Age Assessment Support and Return Interviews services to be carried out in line with the best practice approaches within the current provider market.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 **To do nothing** – This has been rejected as PCC has statutory duties to deliver these services, as set out in Appendix A.

To have a single joint contract, led by either PCC or CCC, for All-Age Advocacy (including Advocacy Services for Adults and Children and Young People) across Peterborough and Cambridgeshire – This has been rejected in order to allow local PCC priorities to be the sole focus of the Independent Advocacy Service for Adults within Peterborough.

To have a single PCC contract for All-Age Advocacy (including Advocacy Services for Adults and Children and Young People) across Peterborough – This has been rejected due to the provider market, with the majority of providers focusing their specialist service on either the Adult service or the Children's service. A single contract would increase the risk of the provider focus being adult-centric to the detriment of children and young people.

9. IMPLICATIONS

Financial Implications

- 9.1 The annual amount PCC will transfer to CCC will be £35,368 for delivery of the Peterborough elements of the Cambridgeshire and Peterborough Children’s Advocacy Service.

Service	CCC	PCC	Total
Children’s Advocacy and Children’s Homes Visitors	£118,348	£35,368	£153,716
Total for contract term	£473,392	£141,472	£614,864

Legal Implications

- 9.2 PCC has a statutory duty to deliver Advocacy Services for adults and children/young people, as referenced within Appendix A to this Cabinet Member Decision Notice.

PCC shall delegate the function of children & young people’s Advocacy to CCC in reliance on powers and the exclusive rights given to local authorities to undertake administrative arrangements of this nature in sections 101 and 113 of the Local Government Act 1972, and sections 19 and 20 of the Local Government Act 2000 and the regulations made under these Acts; together with the general power within section 2 of the Local Government Act 2000 and the supporting provisions within section 111 Local Government Act 1972.

Legal implications shall be considered and addressed within the Delegation and Partnering Agreements underpinning the transfer of commissioning authority to CCC. PCC shall delegate its commissioning responsibility and delivery of these functions to CCC and shall transfer funding to CCC accordingly. CCC shall therefore act as lead commissioner and enter contractual arrangements on the council’s behalf. A Delegation Agreement shall set out clear roles and responsibilities for both councils, including (but not limited to) liabilities, financial arrangements, information governance, data protection, exit arrangements and performance management.

Equalities Implications

- 9.3 These services are designed to support vulnerable adults and children from a variety of backgrounds that come from Social Care, Health Services, or other professionals supporting them.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 10.1 None

11. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 11.1 None

12. APPENDICES

- 12.1 **Appendix A**

Children’s Advocacy

- The Children Act 1989** places a duty on every Local Authority with social services to ensure advocacy services are provided for children and young people making or intending to make a complaint or who need representation.

2. **The Children Act 1989 inserted by section 119 Adoption and Children's Act 2002** places a duty on Local Authorities to provide advocacy services for children in care and care leavers.
3. **The Leaving Care Act 2000** places a duty on Local Authorities to make advocacy services accessible to all Care Leavers who are intending to or are making a complaint.
4. **The Adoption and Children's Act (2002)** places a duty on Local Authorities to provide advocacy services to children who wish to make a complaint or representation.
5. **The Advocacy Services and Representations Procedure (children) (Amendment) Regulations 2004** states that advocacy provision includes children and young people who are 'thinking of making a complaint' the guidance therefore provided a broad definition of advocacy and requires services to be proactive and preventative and not purely a reactive crisis response provision. This is linked to the guidance '**Get it sorted**' (2004) which outlines that Local Authorities are required to make a complaints procedure available for children and young people in Care for and Children in Need.
6. **The UN Convention Rights of the Child** outlines that children should have the right to participate; Freedom to express opinions; A say in matters affecting their own lives and to prepare for responsible citizenship. The following 4 points relate to the provision of advocacy services for children and young people:
 - a. Article 2: Every child irrespective of race, colour, sex, language, and disability should be protected from every kind of discrimination
 - b. Article 12: Every child shall be given the opportunity to express their point of view and have it considered whatever the procedure
 - c. Article 12: Every Child should be given the right to say what they think and have it listened to
 - d. Article 13: Every child has the right to freedom of expression that is the right to express their ideas and opinions and obtain information of all kinds.
7. **Health Act (1983)** requires Local Authorities to make Independent Mental Health Advocates (IMHAs) available to support qualifying patients for whom the Local Authority is responsible.
8. **The Children's Homes (England) Regulations 2015.** Registered providers of Children's Homes must appoint an Independent Person to visit and report on the Children's home monthly, with a corresponding report. For Children's Homes run by the Local Authority this duty applies to the Local Authority.
9. **The Children Act 1989 Schedule 2 Paragraph 17** requires Local Authorities to provide an Independent Visitor to Children in Care where they feel it is in the child's best interest. The Independent Visitor must be independent of the Council and has the duty of visiting, advising, and befriending the child with a view to promoting their welfare.

Age Assessment Support (Children's)

1. **The Modern Slavery Act 2015** requires Local Authorities to assume for the purposes of its functions under relevant arrangements that the person is under 18 until it is determined otherwise.
2. **The Borders, Citizenship and Immigration Act 2009** requires Local Authorities to work in an *every child matters* way, even if they are subject to immigration

control, ensuring:

- the best interests of the child will be a primary consideration, but not the only consideration, when making decisions affecting children.
- ethnic identity, language, religion, faith, gender and disability are considered when working with a child and their family.
- children must be consulted, and the wishes and feelings of children considered, wherever practicable, when decisions affecting them are made - where parents and carers are present, they will have primary responsibility for representing the child's concerns.
- children must have their applications dealt with in a way that minimises the uncertainty that they may experience.

Return Interviews (Children's)

1. The Statutory guidance on Children who run away or go missing from Home or Care (2014) requires Local Authorities to conduct Return Interviews within 72 hours of the return of the child.