

**FAMILIES FIRST PROGRAMME: ARRANGEMENTS FOR  
RECOMMISSIONING**

**REPORT OF DIRECTOR OF SOCIAL SERVICES**

**AGENDA ITEM: 2**

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**PORTFOLIO: CHILDRE & FAMILIES (COUNCILLOR GRAHAM HINCHEY)**

**Reason for this Report**

1. To inform Cabinet of the current position in relation to Cardiff's Families First Programme and the proposed approach to recommissioning a new programme, as detailed in the body of the report.
2. To seek a delegation of authority to the Director of Social Services in consultation with the Cabinet Member Children & Families and the Cabinet Member for Finance, Modernisation & Performance and Section 151 and Monitoring Officers for all aspects of commissioning and any associated arrangements which may be required in relation to these proposals.

**Background**

3. The Council currently receives a Welsh Government grant of just over £5m per annum, for the Families First Programme to provide early intervention and prevention services for families. The programme is one of the Welsh Government's key initiatives for tackling poverty.
4. The City of Cardiff Council manages the grant on behalf of the Public Services Board, which is made up of all the main statutory and third sector partners working together to deliver Cardiff's Integrated Strategic Plan, *What Matters: 2010-2020*.
5. Originally, the Vulnerable Children and Families Board, was responsible for providing governance in relation to the Families First programme and the commissioning proposals for the first programme were overseen by this group. However, following a review of the partnership arrangements under the Cardiff Public Services Board, it has been agreed that the new Improving Services for Children [ISfC] Board should now fulfil this role in relation to governance of the programme. This Partnership governance arrangement is advisory and is in addition to the Council's own governance processes. The Chief Executive chairs the new ISfC Board.

6. By way of background, the Welsh Government's initial Guidance identified that the first Families First Programme Guidance contained a requirement that services should be 'strategically commissioned'. In line with this, the Council used an 'outcome-based' commissioning approach to commission services via two competitive tender processes resulting in the award of seven contracts, which commenced on 1 April 2013.
7. The main specification for the first programme comprised six lots providing for themed packages of services. Each of these packages has been led by a Lead Provider who has entered into sub contracts with a range of other providers. In this way, each package provides a range of different projects or services. The packages were:
  - Early Years – led by Cardiff and Vale University Health Board
  - Child and Youth Engagement – led by City of Cardiff Education Services
  - Sustainable Employment – led by Sova
  - Healthy Lifestyles – led by Cardiff and Vale University Health Board
  - Emotional and Mental Health and Wellbeing – led by Barnardo's
  - Disability Focus – led by Action for Children
8. At the same time, the Council commissioned a further service, the Team Around the Family [TAF] service, for which a contract is in place with a single provider, namely Tros Gynnal Plant.
9. A number of smaller Infrastructure projects also support delivery across the Programme. These are mainly delivered in-house or secured by way of grant. However, the Council entered into an additional contract during the course of the programme to support the development of Time Credits. The Housing and Communities Directorate currently manage this contract through a joint funding arrangement.
10. The Families First grant funding for this programme remained at the same level between 2012/13 and 2015/16, namely £5,743,339, but this was reduced to £5,072,763 in 2016/17.
11. In July 2016, the Cabinet Secretary, Carl Sargeant, confirmed that there would be another Families First programme. At this time, he issued a decision paper, which set out his intentions for the new programme and clarified the distinctive contribution that Welsh Government wanted the Families First programme to make alongside other programmes and initiatives.
12. The decision paper confirmed four main elements of provision:
  - I. continuation of Team Around the Family [TAF] model of working
  - II. continuation of the Disability Focus, which provides support to families with needs related to their child's disabilities (this element continues to be ring-fenced)
  - III. a clearer focus on support for parenting

IV. a clearer focus on support for young people.

13. Other related activities, like childcare, support into employment and welfare benefit advice, would no longer be eligible for Families First funding because Welsh Government commit funding through specialist programmes and initiatives.
14. The original contracts were due to expire on 31<sup>st</sup> March 2017, so in December 2016, Children's Services took a report to Cabinet which secured agreement to exercise an option to extend the majority of contracts for a 12-month period, subject to confirmation of funding. The purpose of this was to establish a transition year (as allowed by the decision paper) which would enable a full recommissioning process to take place with a managed transition to the new delivery arrangements.
15. Shortly after this Cabinet decision, Welsh Government confirmed funding for 2017-18 at the same level as for 2016-17. The Council consequently extended all of the contracts apart from the Sustainable Employment package and two other individual projects that did not fit with the new directions, in line with Cabinet's decision.
16. The same Cabinet report also delegated authority to the Director of Social Services to take decisions in relation to short-term commissioning arrangements. In line with this, the funding released by decommissioning the Sustainable Employment package is being used to develop arrangements for an 'Early Help Front Door'. Further information about this development and the plan for future commissioning is contained in the proposals set out in paragraphs 39-43 below.
17. Welsh Government published the final guidance for the new programme in April 2017. This confirmed the direction of travel for the Families First programme set out in the decision paper but provided additional detail about the services to be commissioned.
18. The Guidance does not specify a set programme length for the new arrangements. Welsh Government receives the funding allocated to the Families First programme from the Westminster Government on an annual basis and so is not in a position to be able to provide indicative budgets for future years. However, the Cabinet Secretary has confirmed his commitment to continue to support the Families First programme and Welsh Government officials have said that this can be assumed to be for the current Assembly term. A letter from Welsh Government is attached at **Appendix A**.
19. The current report is intended to secure agreement for recommissioning arrangements, which will deliver a programme in line with the new Guidance but which also meet Cardiff's local needs and priorities.

**Proposed commissioning approach for the new programme**

20. Contract monitoring and stakeholder engagement have confirmed that Families First has delivered services that have made a real difference to

families in Cardiff. These services provide a wide range of help ranging from light touch advice and information to more intensive support for longer periods of time to around 20,000 individuals each year. However, we also know that our systems for identifying when families need help and ensuring that they receive the support they need, could be clearer and better embedded. The context in which we are working has also changed, with a greater emphasis on early intervention and prevention through Cardiff's Early Help Strategy and in the implementation of the Social Services and Wellbeing Act (Wales) 2014 and the Wellbeing of Future Generations (Wales) Act 2015.

21. During the current transition year, it has been a priority to maintain provision. However, recommissioning gives us a chance to learn from our experience during the first programme to improve arrangements. We also need to address some of the gaps that have been identified in the Cabinet Secretary's decision paper and locally during stakeholder engagement. This is a real opportunity for Children's Services to recommission in line with the new Welsh Government guidance, to build on areas of success and address areas for development. In particular, it is an opportunity to use the Families First funding more strategically to reduce the numbers of children and young people needing more intensive interventions, such as becoming looked after.
22. The recommissioning proposals set out here take a number of key drivers into account:
  - the Guidance for the new Families First programme;
  - a review of the current programme which has been carried out with stakeholders, including children, young people and their families as well as professionals, and which has identified what has worked well, and what we can do to improve arrangements;
  - an analysis of contract monitoring information and business intelligence from the current programme;
  - the Pilot to roll out use of the Families First 'JAFF' [Joint Assessment Family Framework] as a first level assessment, which was carried out as part of the implementation of Cardiff's Early Help Strategy and associated work with schools to develop a 'graduated response' where family needs are identified;
  - the changing context of delivery, including the implementation of relevant legislation (specifically the Social Services and Wellbeing Act and the Wellbeing of Future Generations Act);
  - improved alignment with other tackling poverty programmes such as Flying Start and Supporting People but also the need to identify and respond to the changing delivery arrangements as Communities First ends;
  - the Population Needs Assessment which was published in April 2017 - this was led by Public Health Wales, Cardiff and Vale Team, as part of the implementation of the Social Services and Wellbeing Act.
23. The financial guidance for Families First specifies that the funding must not be used to deliver statutory services. However, we have received clarification that funding may be used to deliver wider early help services

and contribute to the provision of Information, Advice and Assistance under the Social Services and Wellbeing Act.

24. The sections below set out the main lessons learned from the review and stakeholder engagement, and how these have been applied to inform the proposed arrangements for each of the four key elements identified in the Families First Guidance.

#### Lessons learned from the Review

25. The review focused on what has gone well, and what we need to do differently, either to improve arrangements or to respond to the changing context. The main lessons are set out in paragraphs 26-36 below.
26. **Information and Communication.** Service users and professionals alike have said that there needs to be clearer information about services. Often there are good services available, but people either do not know about them or are unclear how to access them. In response, we need to improve the ways in which information about services is made available and provide clearer pathways.
27. **Services.** Current services report good outcomes for service users, with evidence that they are better off as a result. However, service users have told us that they are often confused about how to access the right services. They have also said that they want services which are available when they need them (including outside of 'office hours') and for as long as they are needed.
28. The original programme set out to commission six coherent themed packages of services. However, the original commissioning approach resulted in service packages that actually comprise 60 individual projects, which often operate independently from each other. Different providers deliver similar services in different areas of Cardiff. A number of providers deliver linked services across more than one of the packages. The original process was designed to commission *services*, but these were not supported by a shared and clear system for ensuring that families receive the right services.
29. In response, we need to secure a more coherent service offer, underpinned by a shared system with a clear entry point and assessment so that families receive the most appropriate type and level of service. We also need to ensure follow-through to other services if needed, with arrangements for progression and maintenance. There is an opportunity here to use the Families First funding to support a wider transformation of service delivery in Cardiff, with greater emphasis on prevention.
30. **Programme Management.** Robust arrangements have been put in place for programme management, which meet Welsh Government and audit requirements. However, the current arrangement is delivered via contracts with a Lead Provider for each package, who then has sub contracts with a range of providers sitting underneath. This arrangement requires programme managers in each package in addition to the officers responsible for contract management in the central Families First team.

This has led to a complex set of reporting arrangements and an overly bureaucratic process.

31. Because the Council was required to 'tender' alongside external providers in the first commissioning process, this has led to a situation where the Council pays an external provider to pay a Council service area to deliver.
32. In response, we need a simpler arrangement for reporting and contract management so that a higher proportion of funding can be directed to service delivery. It is also proposed that we identify those areas where it is appropriate to deliver in-house and put those areas out of scope for external procurement.
33. **Joint Commissioning.** The Families First Guidance asks local authorities to consider where a joint commissioning approach would make most effective use of available funding. This covers joint commissioning of services across programmes as well as with neighbouring local authority areas. In the current programme, only one service has been jointly commissioned, where the contract with SPICE for Time Credits (which is one of the infrastructure projects) has been jointly commissioned with Communities and Housing.
34. Strategic discussions have identified a number of areas where there is potential duplication and where we could work more effectively by working together. In particular, there has been overlap with the Domestic Violence services and housing advice for young people.
35. The services we provide for families who have needs related to their child's disability also needs to take account of the Disability Futures programme. This programme was set up across Cardiff and the Vale of Glamorgan because of a shared commitment to develop integrated opportunities to work collaboratively for improving services for disabled children, young people and their families.
36. The review has identified a number of new opportunities for joint commissioning. This approach could make more effective use of the available resources and reduce the risk of duplication.
37. The lessons set out above have informed the planning for each of the four main areas of provision identified in the Families First Guidance. Further detail about the proposed approach to each of these is set out below. They include proposals for services to be commissioned for commencement on 1<sup>st</sup> April 2018 (Phase 1) and interim arrangements which will enable other proposed services which require a longer time scale (for reasons which are set out in this report) to be commissioned at a later stage (Phase 2).
38. The central Families First team has also used this information to complete an Options Appraisal, which is attached as **Appendix B**.

#### Team Around the Family Model

39. National Evaluation of Families First has confirmed the importance of a Team Around the Family approach in providing effective support for families. Cardiff TAF team engages with families who have more complex needs (needing four or more services) to identify the support and services they need and then to coordinate those services. The TAF team also currently provide a 'Freephone' Service, which provides information and advice about services for families and professionals.
40. Development work during this transition year has identified that the TAF team and Freephone service have a central role to play in the provision of Information, Advice and Assistance. This is a requirement under the Social Services and Wellbeing Act and is intended to provide access to lower level interventions that will reduce the numbers requiring statutory care packages. For Children's Services, it is particularly important to reduce the numbers of children who become looked after or enter child protection.
41. Work has been taking place with Tros Gynnal Plant, the TAF Provider, to develop an Early Help Service, which will provide the central element in a clear 'Early Help Front Door'. Agreement for this will provide additional capacity to deliver enhanced key working for high-risk families, and to develop an alternative contact point with the aim of reducing the numbers of referrals to the Multi Agency Safeguarding Hub [MASH]. Children's Services have also committed two social workers to work with the Early Help Service to provide consultancy and ensure an effective interface with MASH.
42. The development of the Early Help Service as part of Families First will help to deliver better arrangements that are wider than Families First. A project is underway which is exploring how other services and programmes will be able to link in to the 'front door'. In addition to the commitment from Children's Services, the project is exploring links with the Family Information Service, Health (including Mental Health and Substance Misuse Services), and the employability 'Gateway' that is being developed post Communities First. This may result in co-location of some elements, but also clearer pathways between services and programmes.
43. The pilot needs to have sufficient time for the new arrangements to be tested. It is proposed that the most effective way to achieve this is to make an agreement with Tros Gynnal as an extension to their main TAF contract for an interim period to allow proper evaluation to take place. This Cabinet Report seeks delegated authority
  - to make commissioning arrangements with Tros Gynnal Plant for the pilot TAF/Early Help Service to run until end of March 2019 (Phase 1).
  - to secure delivery of a new combined service (TAF plus Early Help) during autumn 2018 and to delegate authority for commissioning decisions to the Director. The pilot evaluation will identify the best route and model to inform decision-making (Phase 2).

#### Disability Focus

44. The current Families First Disability Focus package delivers much-needed support for families who have significant needs relating to their children's disability but who do not meet the threshold for support from statutory Children's Services. During the first programme, a great deal of work was

done to develop the relationship with Children's Services to ensure that families receive the right level of support.

45. The statutory partners in Cardiff and the Vale of Glamorgan have identified that a regional approach is needed to deliver more effective and equitable services for disabled children. A Change Manager was appointed in 2015 and she has led the Disability Futures programme. This programme has explored opportunities for either jointly commissioning services or having complementary services across the two areas. She has also managed a project under the Integrated Care Fund, which has enabled joint approaches to be piloted across the two areas. This has covered both statutory services and complementary services delivered by the Families First programmes in both areas.
46. The Disability Futures programme has identified a number of areas where Families First services might be jointly commissioned, including Independent Living Skills and specialist parenting for families where children have been diagnosed with ADHD and ASD. However, the Disability Futures programme is still exploring options and piloting approaches.
47. This report seeks delegated authority for all commissioning decisions, in line with recommendations brought forward to the Disability Futures Programme Board and ISfC Board, to secure effective services for disabled children. This will include
  - interim arrangements to extend current services, where it is recommended that these should be maintained, during Phase 1 while proposals and arrangements are still being brought forward and to enable alignment of timescales for joint commissioning where this is needed
  - Commissioning decisions during Phase 2 in line with the proposals brought forward to the Boards, which may include single and joint commissioning arrangements.

### Parenting

48. The current programme provides a wide range of services that support parents. It has also included the work of a Parenting Coordinator who has been responsible for developing Cardiff's Parenting Framework. Parenting has been one of the services that has been in greatest demand in the original programme as well as one of the main requirements for the new programme.
49. However, the way in which the original services were commissioned resulted in very fragmented delivery by a number of different service providers, delivering both generic and area-based services across different packages. As a result, parents have sometimes been 'bounced' from one service to another before they have been able to access the right service, or have disengaged.
50. One of the priorities of these proposals is to secure a more coherent, single service, with a single point of entry that will ensure that parents get the most appropriate parenting service. The Options Appraisal identifies

that there would be additional benefits if this service is aligned to the Flying Start programme. While the level of funding allocated to Families First would not enable the Flying Start offer to be replicated in non-Flying Start areas, shared management could deliver a more consistent approach and bring benefits to both programmes.

51. An important element to ensure consistent, quality delivery is a programme for workforce development. There has been a small workforce development programme within the current programme, but the new approach requires a more strategic approach, in line with the National Occupational Standards for work with families, including accreditation. This could also provide new progression routes for families through a shared approach with Flying Start's 'Returning to Learning'. This element would also support awareness raising and training in relation to Child Sexual Exploitation for both professionals and parents/carers.
52. The team that manages the Flying Start programme within Education Services has a great deal of experience and expertise in Parenting. However, a number of other kinds of support for parents are needed to complement the parenting offer. Delivery of health services such as nutrition and support for speech and language development are essential to the early years offer. Specialist services are also needed to address low-level mental health issues in parents below the level of Adult Mental Health Services and to help families to deal with inter-parental conflict, bereavement, trauma and loss.
53. The review has also identified a joint commissioning opportunity in relation to domestic abuse. This is a major presenting issue for families. The current programme delivers two projects but there was potential duplication.
54. This report requests delegated authority to make decisions to secure services for parents. The possible proposed routes identified following the Options Appraisal are:
  - to enter into a Service Level Agreement for delivery of the main Parenting Service in-house so that this can be effectively aligned to Flying Start delivery – this element will include management of workforce development (Phase 1);
  - to enter into an agreement with Cardiff and Vale University Health Board (subject to further legal and procurement advice) for services which require specialist health delivery (Phase 1);
  - to proceed to tender for other complementary services where it makes sense for these to be delivered by a specialist organisation (Phase 1);
  - to extend the current domestic abuse projects for 12 months (during Phase 1) to enable joint commissioning to take place as part of the commissioning plans being brought forward by Housing and Community Services (Phase 2).

55. The current programme provides a wide range of projects which support the emotional and mental health and wellbeing of young people, promote healthy lifestyles and help to prevent young people from becoming NEET (not in Education, Employment or Training). Much of this is delivered via schools. However, schools are often confused by the number and range of different projects, and there is inconsistency in whether and how they access these services.
56. Families First officers have worked with school representatives to start to develop clearer and more consistent routes to access services for individual young people and their families. It has identified that schools want a clear and simple way to identify when young people and their families need additional support. They also need access to practitioners with the right skills and expertise to be able to engage with families in the way that was proposed in the Early Help Strategy.
57. Planning for this area of work also takes into account the priorities for children and young people identified in the Population Needs Assessment. This confirms the importance of support for young people's emotional and mental health and wellbeing and preventative work around risky behaviours and disengagement from education and training. Working with young people to reduce the incidence of Child Sexual Exploitation is also a priority for the city.
58. Many of the current emotional and wellbeing projects and elements of Youth Mentoring are already located within Education Services. As part of this, the Youth Service has developed a 'Vulnerability Assessment Profile' [VAP] with secondary schools to identify when a young person has issues around attendance and behaviour. This VAP was developed in line with the Welsh Government's Youth Engagement and Progression Framework. The work with schools has identified that the VAP could be extended to cover both secondary and primary phases to underpin a 'graduated response' to address the needs of children, young people and their families.
59. The Options Appraisal identified that managing the main elements of support for young people within the Education Service would enable the Council to make most strategic use of the funding. It could underpin a more effective system for identifying when individuals and families need additional support. This would also enable sustainable arrangements to be put into place through providing training and supporting schools to introduce their own strategies for pupils' wellbeing. This would also help to deliver on a number of key initiatives for Cardiff, particularly the Early Help Strategy, 20:20 Vision, the Cardiff Commitment, UNICEF Child Rights Partnership and the Child Sexual Exploitation Strategy.
60. It is vital to locate the main responsibility for this element to be delivered in-house to ensure the best strategic use of the funding. This arrangement would take advantage of the specialisms that exist within the Council. However, the review has identified a number of areas of complementary provision where the best route is to commission from external providers.

61. The review has also identified a joint commissioning opportunity for services with the Supporting People programme in relation to support for young people with housing needs. This could also contribute to an exciting new City Centre Youth Hub, which would provide a 'one stop shop' and early help front door for vulnerable young people over the age of 16.
62. This report requests delegated authority to make decisions to secure services for young people. The possible proposed routes identified following the Options Appraisal are:
- to enter into a Service Level Agreement for delivery of the main Youth Support Service in-house so that this can be effectively aligned to work with schools and support the Cardiff Commitment (Phase 1);
  - to enter into an agreement with Cardiff and Vale University Health Board (subject to further legal and procurement advice) for services which require specialist health delivery (Phase 1);
  - to proceed to tender for other complementary services where it makes sense for these to be delivered by a specialist organisation, this could include a Sexual Health Outreach Team and bespoke pre/entry level training opportunities (Phase 1).
  - to extend the current Housing Advice project delivered by Llamau for 12 months (during Phase 1) to enable joint commissioning to take place as part of the Supporting People commissioning plans being brought forward by Housing and Community Services (Phase 2).

### Infrastructure

63. The current programme includes a number of elements that support the whole programme. These have been secured via a number of routes and did not form part of the original commissioning plan but were managed by the Operational Manager who was responsible at that time for the Families First programme.
64. This element of the programme funds the central Families First team, now located within the Central Business Unit of Social Services. This team is essential to ensure financial and performance monitoring meets the requirements for Welsh Government and for audit. However, following a review, a decision has been taken to realign the central management functions and team. This will enable additional funding to be allocated to the new delivery arrangements for the Parenting Service. It is also proposed that the Parenting Coordinator function will transfer from the central team to the Parenting Service.
65. It is proposed that additional funding should be allocated to improve information and communication about services, in line with the feedback from stakeholder engagement. The route for this would be to fund additional capacity within the Family Information Service [FIS]. This would enable most effective use of funding, aligned to the statutory function of FIS and will include support for Cardiff's Disability Index.
66. The current programme also supports theSprout young people's information service. This has provided an important route for young people to find out about services available for them, with young people engaged

in the editorial board and contributing content. Provision of information for young people has been identified as one of the priorities for Cardiff as a UNICEF Child Rights Partner. It is proposed that we maintain funding for theSprout. However, if this is agreed, it will need to be re-tendered.

67. Families First funding has enabled the Time Credits programme to reward and encourage volunteering across the city. This programme has also supported engagement of young people and families, which has contributed to the review and to co-production of the Early Help Service. The contract is held centrally for the Council by Communities and Housing and it is proposed that we continue to maintain our commitment to this provision to support engagement during the next programme.
68. The programme also includes support for services that are working with families with home languages other than Welsh and English via the Welsh Interpretation and Translation Service [WITS]. This was delivered by way of the Council's Partnership Agreement during the first programme. The Council is now taking over the lead for WITS across Wales and it is proposed that we maintain this element of support for the programme.
69. This report requests delegated authority for any decisions that relate to commissioning within the infrastructure elements. Other day to day management decisions will remain the responsibility of the Operational Manager responsible for the Families First programme.

#### Proposed Commissioning Plan

70. Working with officers from Legal Services and Procurement, the central Families First team have put together a proposed outline project plan for the re-commissioning process. This builds in the timescales needed for stakeholder engagement, decision-making via Council and Cardiff Partnership governance arrangements, compliance with OJEU regulations and a transition period to ensure a smooth progression to new arrangements for service users. The proposed outline plan for the main arrangements in Phase 1 is set out below:

<b>Governance Arrangements</b>	<b>Commencement Date</b>	<b>End Date</b>
Cabinet decision to proceed with proposed commissioning arrangements	27 <sup>th</sup> July 2017	27 <sup>th</sup> July 2017
Communication with the market about the outcome of Cabinet decision	27 <sup>th</sup> July 2017	End August 2017
Finalisation of specifications, Officer Decision Report and call in period	July 2016	End August 2017
Agreement of SLAs and delivery against specifications with internal service areas and C&VUHB	July 2016	End December 2017
Commissioning and Procurement Process	September 2017	January 2018

Award of contracts		January 2018
Mobilisation Period and exit arrangements for decommissioned services	January 2018	31 <sup>st</sup> March 2018
New Contract/SLA Start Date		1 <sup>st</sup> April 2018

71. The following overall allocations are proposed for the main elements of provision. However, some variation may be needed following consultation with the market and negotiation around the SLAs and agreements with Health. This report requests permission for any variations to be agreed as part of the delegated authority:
- Combined Early Help Service - £650,000
  - Parenting (in-house and external) - £1,755,000
  - Youth Support (in-house and external) - £1,220,000
  - Disability Focus - £400,000
  - Family Wellbeing Service - £500,000
  - Domestic Abuse (contribution to joint commissioning) - £49,600
  - Youth Homelessness (contribution to joint commissioning) - £104,852
  - Infrastructure elements - £393,311
72. This report requests permission to secure services until 31<sup>st</sup> March 2022. For agreements where the contract starts on 1<sup>st</sup> April 2018, this will result in a term of four years, but with an option to extend for two further period of 12 months if needed. This proposal reflects the length of the current Welsh Government term. Other agreements may vary, depending on the commissioning arrangements agreed (e.g. joint commissioning) but with a view to establishing a similar term.
73. It is proposed that all agreements will be subject to the availability of funding, and will contain provision to vary the contract if there is a reduction in funding from Welsh Government and a break clause if there is a complete withdrawal of funding.

#### Decommissioning of current services

74. The proposals set out in this report are intended to introduce significant changes to the way in which services are delivered. The services that meet both the requirements of the Guidance and local priorities will be maintained, but may be delivered in a different way. However, the changes will require some services to end, either where the new programme has to allocate additional funding for the identified priorities, or where any remaining services do not fit with the new directions. For example, the December Cabinet decision agreed to maintain the childcare elements during the transition, on the basis that the Welsh Government's new childcare offer had not yet been rolled out. However, we will not be able to support childcare in the new programme.
75. Where the same service is delivered but via a different provider, arrangements may be subject to TUPE.

76. The timescale set out in the project plan at paragraph 70 allows time for mobilisation of the new arrangements. Work will take place with current providers to identify exit strategies for all services that will not be continuing, which will include arrangements to transfer and service users who may continue to need services to the new provision.
77. Under the terms of the Contracts, the current agreements will cease automatically on 31<sup>st</sup> March 2018 unless the option to extend for a further 12 months is exercised. This report contains proposals that could extend a small number of elements. However, although we do not have a legal requirement to do so, we intend to give notice to providers that the current arrangements will end in order to enable them to plan their exit strategies and to manage a smooth transition to the new arrangements.

### **Equality Impact Assessment**

78. The central Families First team have completed an Equalities Impact Assessments [EIA] for the changes that are proposed across the programme and a copy of the same is attached as **Appendix C**. Findings from this assessment have informed the proposals set out in this Cabinet report. Further EIAs will be completed for any additional specific areas of risk identified following this Cabinet decision.

### **Consultation**

79. There has been regular communication with Lead Providers for the current service packages to keep them updated about the planning process and opportunities to contribute to the stakeholder engagement sessions.
80. The Families First team facilitated a series of three workshops with current and potential providers of services, as well as practitioners in related services. While they were not asked to comment on the specific proposals contained here, their general observations have informed this Report and the proposals for new delivery arrangements set out here.
81. Children, young people and families have contributed to the planning in a number of ways:
  - A Service User voice event was held in November 2016, which provided families to talk about the services that were important to them and the way in which these should be delivered.
  - The central Families First team commissioned a more extensive piece of co-production work to take place with families, which took place between September 2016 and March 2017. This was led by Cardiff University, working with Tros Gynnal Plant and SPICE. This involved questionnaires and focus groups with professionals and families, face to face interviews, a 'rapid ethnography' with a small number of families and a family 'takeover event'. Its main purpose was to inform development of 'step down' arrangements from Children's Services, but it has also informed the wider proposals.
  - The plans have also been informed by the findings of the Young Inspectors in their inspections of current services and in additional

focus groups and questionnaires completed as part of joint work with the Public Health team for the Area Population Needs Assessment.

82. Arrangements are also being put into place to support children, young people and parents/carers in the evaluation process.
83. Representatives of Schools have helped to inform the proposals set out here in a number of ways. A number of primary and secondary schools were involved in the JAFF pilot. Following on from this, a working group of schools has helped to develop the model, which it is hoped will be put into place through these proposals. This work has reported to a steering group within Education Services, involving senior managers and Head teachers.
84. Under the governance arrangements for Cardiff Partnership, the Early Intervention and Prevention Group has provided a multi-agency forum that has informed the proposals for developing early help arrangements. This group was responsible for developing Cardiff's Early Help Strategy and the alignment of Families First funding will enable implementation of the action to develop more effective arrangements.
85. A verbal briefing on the proposed commissioning approach was taken to the Improving Services for Children Board on 24<sup>th</sup> March 2017. Members of the Board approved of the approach that is proposed in this report.
86. Senior members of the central Families First team have attended two meetings of C3SC's Children, Young People and Families Network. They have briefed members on the process and direction of travel, and answered questions related to this from members of the network.
87. The draft Cabinet report was considered by the Children & Young People Scrutiny Committee on 19 July 2017. The letter from the Chair of the Committee is attached at Appendix D
88. This report does not relate to a local issue as the Families First Programme is delivered city-wide.

### **Reason for Recommendations**

89. To secure agreement and delegated authority for the proposed arrangements for recommissioning the Families First programme in Cardiff and the timescale for contracts and SLAs.

### **Financial Implications**

90. The report seeks agreement and delegated authority for proposed arrangements for the re-commissioning of the Families First programme in Cardiff. The programme is currently wholly funded via a grant from Welsh Government. In 2016/17 the grant amounted to £5,073,000, with a current allocation of £5,092,000 for 2017/18. The programme is wide ranging and will include a number of separate SLAs and procurements. It is essential that specifications for services are designed so that they can be delivered within the overall level of Families First grant funding provided by Welsh

Government. As noted in the report, all agreements will be subject to the availability of funding, and will contain provision to vary the contract if there is a reduction and a break clause if there is a complete withdrawal of funding. It is also important that all the proposed schemes and commissioned services are in compliance with the terms and conditions of the Families First grant.

### **Legal Implications**

91. The recommendation sought, put simply, is to authorise the proposed phased approach to the recommissioning of grant funded services and arrangements under the Families First Programme.
92. It is noted that under the phased approach the Directorate proposes to put in place a myriad of different, and complex, arrangements including (i) extending current contracts, (ii) entering into arrangements with the Health Board, (iii) potentially entering into arrangements with the Vale of Glamorgan Council (iv) procuring services from external providers and (v) delivery of some of the services in-house.
93. To the extent that the arrangements require an extension to the existing contracts, then it is noted that when the existing contracts were originally procured the tender documentation contained provisions for the same to be extended up to 31 March 2019. Accordingly, the proposals to extend some of the existing contracts are legally achievable and do not give rise to procurement law issues.
94. Legal Services are instructed that under the proposals the Directorate may issue low value contracts via a single tender route. This should not pose any procurement law issues provided that the said contracts are below the relevant thresholds to which the Public Contracts Regulations 2015 apply and that the Directorate is satisfied with regards to best value by entering into such arrangements.
95. Legal Services notes that some of the proposed longer-term arrangements are still being developed and that the same could range from joint working arrangements, delegation of functions, letting contracts for services. Legal advice should be sought at the appropriate time to ensure that any such proposed arrangements are in compliance with all relevant legislation (including, without limitation, Sections 166-169 of the Social Services and Well-being (Wales) Act 2014).
96. The report recommends delegating authority to the Director of Social Services to deal with all aspects of commissioning and any associated arrangements which may be required in relation to the Families First Programme. This is a substantial delegation and legal advice should be sought on the individual proposals as the same are developed. Further it is noted that, where appropriate, some matters may have to be reported back to Cabinet.
97. Detailed advice should be sought as to whether the proposals give rise to any employment law issues (TUPE).

98. To the extent that any of the proposed arrangements are grant funded then prior to concluding any such arrangements the terms and conditions attaching to such grants should be checked to ensure compliance with the same.
99. The report refers to consultation undertaken. The carrying out of consultation gives rise to a legitimate expectation that the outcome of the consultation will be considered as part of the decision making progress. The decision maker should have regard to such consultation when making its decision.
100. The decision maker should also have regard when making its decision to the Council's wider obligations under the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015. In brief, both Acts make provision with regards to promoting/improving well-being.
101. The proposals give rise to a substantial piece of work and will require appropriate legal resource.

### **Equality duty**

102. In considering this matter, the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a) Age, ( b ) Gender reassignment( c ) Sex (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation (i) Religion or belief – including lack of belief.
103. The report identifies that an Equality Impact Assessment has been carried out and is appended at Appendix C. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessments in making its decision.
104. Legal Services are instructed that as the proposals are developed the same will be subject to further and/or updated Equality Impact Assessments.

### **HR Implications**

105. There are a number of HR implications which could be possible based on this report but will not be known specifically until the commissioning has commenced. However, any requirements under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will be

considered and legislation will be complied with whether it relates to Council employees or employees of current contractors.

106. Also if any contracts which are currently delivered by Council employees are transferred to a contractor the Code of Practice on Workforce Matters 2014 will also apply.
107. If any of the changes made through the commissioning process, also require any restructuring of the Families First Administration section, this will be carried out in compliance with the corporately agreed Council processes and procedures.
108. The details of this report have been consulted on initially with Trade Unions and any affected employees, and this consultation will throughout the process.

## **RECOMMENDATIONS**

Cabinet is recommended to;

1. Agree the proposed phased approach to the recommissioning of the next Families First Programme grant funded services as set out in the body of the report;
2. Subject to recommendation 3, to delegate authority to the Director of Social Services in consultation with the Cabinet Member for Children and Families and the Cabinet Member for Finance, Modernisation and Performance, and Section 151 and the Director of Governance and Legal Services for all aspects of commissioning (including the award of contracts) and any associated arrangements which may be required in relation to the next Programme, namely
  - a) Arrangements for the pilot of the Early Help Service and any subsequent longer-term arrangements which may be put into place following the pilot;
  - b) Service Level Agreements with the relevant Council service areas (including the Education department) for delivery of the main Parenting and Youth Support Services;
  - c) Arrangements (in a form to be determined and subject to advice) with Cardiff and Vale University Health Board for services which require specialist health delivery;
  - d) Arrangements to extend any current contracts within scope of the Families First Programme to enable new arrangements to be put in place and subject to the existing contracts containing provisions to extend the same;
  - e) To explore and develop joint working arrangements with the Vale of Glamorgan Council and to enter into any subsequent joint working arrangements agreed (save for any joint working arrangements

which include a delegation of a Council function to the Vale of Glamorgan and/or the delegation of a Vale of Glamorgan Council function to the Council whereupon the matter will be reported back to Cabinet);

- f) Commissioning arrangements for other complementary services in relation to the Families First Programme including the award of contracts.
3. Agree that, subject to all contracts and arrangements being made to include appropriate provisions in relation to the availability of grant funding, the term of such agreements and arrangements will be not go beyond 31st March 2022.

**TONY YOUNG**  
**DIRECTOR**  
21 July 2017

*The following appendices are attached:*

- Appendix A – Letter re funding from Welsh Government
- Appendix B – Options Appraisal
- Appendix C – Equality Impact Assessment (overall programme)
- Appendix D – Letter from Chair of Children & Young People’s Scrutiny Committee dated 21 July 2017