

**Manchester City Council
Report for Resolution**

Report to: Young People and Children Scrutiny Committee – 21 July 2015
Executive - 29 July 2015

Subject: Future of the Children’s Rights and Advocacy Service

Report of: Interim Director of Children’s Services

Summary

The purpose of this report is to recommend to the Executive that the Children’s Rights and Advocacy service be externally commissioned. The report responds to concerns expressed by the Young People and Children Scrutiny Committee when it considered this matter at its meeting on 20th June, 2015 and provides a further opportunity for the Committee to comment on the proposal. Any comments from the Scrutiny Committee will be reported to the Executive before a decision is made.

Recommendations

1. That the Young People and Children Scrutiny Committee note this report and submit any comments on it to the Executive.
2. That the Executive agree that the Children’s Rights and Advocacy Service be commissioned, rather than provided directly by the Council.

Wards Affected: All wards

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	N/A
Reaching full potential in education and employment	Enabling Looked after Children and Young People to have a voice and to influence service provision is invaluable in enabling them to reach their full potential and have their overall needs met effectively. This should promote their ability to achieve educationally and therefore access further training and employment.

Individual and collective self esteem – mutual respect	For Looked after Children and Young People having the opportunity to access independent advocacy and children’s rights services is a significant part of valuing their contribution and enabling them to have their voice heard individually and collectively.
Environmental and Climate Change Impacts	N/A

Environmental and Climate Change Impacts

None.

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial consequences- Revenue

In 14/15 the Children's Rights and Advocacy Service budget was £190,645 allocated from the mainstream budget with a total spend of £190,793. This includes 0.2 FTE of a grade 10 manager which equates to an amount of £10,000.

If the decision is taken to commission out this service it is anticipated that the current budget requirements would remain, although consideration would need to be given to the 0.2 FTE management element.

Financial Consequences - Capital

None

Contact Officers:

Name: Gladys Rhodes White
Position: Interim Director of Children’s Services
Tel: 0161 234 3564
E-mail : g.rhodeswhite@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Care Matters : Time for Change. Department for Education and Skills. 2007

www.childrenscommissioner.gov.uk

Where is my advocate? A scoping report on advocacy services for children and young people in England.

1. Introduction

- 1.1** An area for Improvement recommended by Ofsted in their report following last year's inspection was to increase the participation of Looked after Children including those placed outside the City, to ensure that their voices are heard and they are able to collectively influence decisions and policy. One of the actions in the Children's Services Improvement Plan which responds to this recommendation is to review the Children's Rights and Advocacy Service.

This report describes the requirement to provide a Children's Rights and Advocacy Service and includes 2014/15 performance data. The report concludes that given the specific requirements of the service it is appropriate to commission it externally because this would achieve the highest possible levels of confidence amongst Looked after Children and Young People that the service is independent of the Council.

There are a range of organisations already providing these services to other Councils. The scale and expertise of these organisations could provide a better service at the same or lower cost than the Council is able to.

A commissioned service would have clear performance measures and would be held to account for the highest possible quality of service to the Looked after Children and Young People of Manchester.

2. Service Requirements

- 2.1** The provision of an effective Children's Rights and Advocacy Service is of vital importance to the Council and Looked after Children. Looked after Children in Manchester can offer valuable insights into the quality of the services offered by the Council, which can assist in informing how services are designed and delivered in the future. The capacity for Looked after Children to have independent support when making complaints if the Council is to learn from their experiences. Provision of an independent visitor, for those looked after children who request it, can also assist in enabling the child and young person's voice to be heard.
- 2.2** The most relevant guidance from Government on these services is contained within 'Care Matters: Time for Change' published in 2007 which was based on the conclusions of working groups established to investigate best practice in supporting children in care. This states "it is important that children have a chance to shape and influence the parenting that they receive at every level – from expressing their wishes and feelings about the individual care they receive in their placements, through to helping to shape the overall strategy for children in their area through a Children in Care Council".
- 2.3** Provision of the Children's Rights Service is enshrined in legislation for Looked After Children through the Children Act 1989 and through regulation and guidance. The Council has a statutory duty to provide advocacy services for Looked After Children making complaints, and to appoint independent visitors.

2.3.1 When it considered this matter at its last meeting, the Young People and Children Scrutiny Committee did not endorse the recommendation to the Executive that this service be externally commissioned. The Committee asked for a further report to be submitted to its meeting on 24th July. Amongst other issues the Committee were concerned that there should be consultation with looked after young people before a decision is made on whether or not to commission a service, as well as consultation on the specification for the service if it is commissioned. This report therefore contains more detailed information and the results of an initial consultation with young people who are looked after. There will be further consultation with young people on how to improve the service, once the decision is made on whether the service is commissioned or retained as a directly provided service.

3.0 Current service provision

The current service provides the following services to Looked After Children:

- Advocacy services;
- Independent visitor scheme; and
- Some engagement activity.

3.1 Advocacy Services

The Council's Children's Rights Service promotes the rights of Looked after Children and Young People through the provision of effective and independent children's rights and advocacy services, and in accordance with the National Standards for the Provision of Children's Advocacy Services. This includes:

- Information, representation, support and advocacy to Looked after Children regarding their rights in relation to the Council services they are receiving.
- Access to an advocate to enable looked after children including children or young people with disabilities (in receipt of a series of short-term breaks) and those receiving aftercare services, to make a representation (including a complaint) if they wish to, and support them throughout the process.
- Access to an advocate to represent the looked after child or young person's views, or empower them to speak for themselves; whether this is in Looked after Children reviews or within other processes of the Council in which they require advocacy.

3.2 Independent Visitors Scheme

The service also includes the provision of an independent visitors' scheme, which includes the recruitment and training of volunteers and matching volunteers to young people.

An independent visitor is a volunteer responsible adult 'befriender' who is linked to an individual child or young person offering support and advice

through regular visits. The aim is to give the child or young person the opportunity to develop a positive relationship with a responsible adult outside of the care system and one that is based on trust.

As well as recruitment, vetting, training and matching of volunteers, the service also provides review meetings, monitoring and development of the programme.

3.3 Engagement activity

The service undertakes the following activity:

The service sends a representative to a participation group, the Care2change Council sub group – Supersonics. This is a forum for working with younger looked after children so that there is a way of seeking their collective views which the Council then responds to.

The service also produces a newsletter ‘Shout’ that is sent to all Looked after Children and Young People.

4. Costs, statistics and performance data in respect of the core offer.

4.1 Costs

In terms of costs, the main costs of the service relate to staffing.

The service is made up of:

20% of a Grade 10 manager = £10,893 (inclusive of on costs)

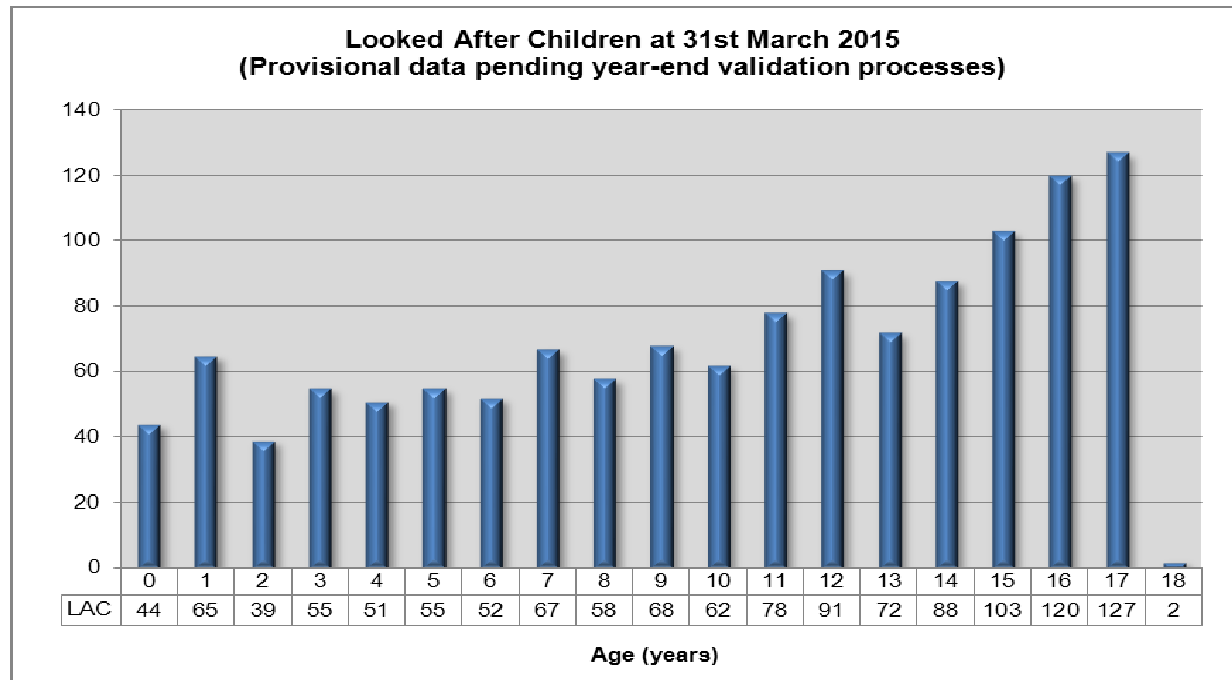
4 x Grade 8 officers @ £44,975 = £179,900 (inclusive of on costs)

Total Staffing Cost = £190,793 per annum

4.2 Statistics and performance in respect of the core offer

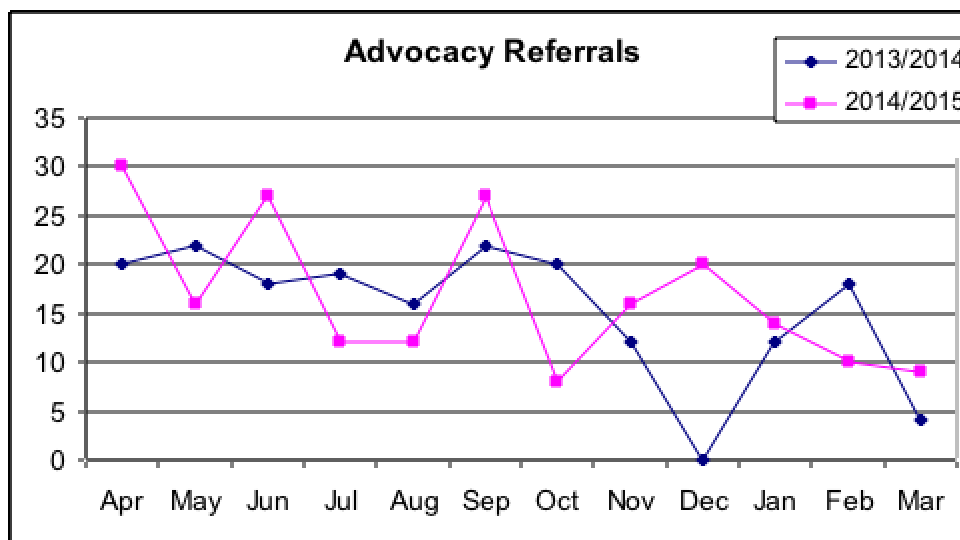
4.2.1 Numbers of eligible children and young people

There were 1,297 children recorded as being Looked After in Manchester at the end of March 2015. This figure and all data are from a MiCARE system snapshot. The following chart shows the age ranges of our looked after children. The Children’s Rights and Advocacy Service provides a service which is available to all looked after children. Take up of the services offered is greatest with older looked after children.



4.2.2 Referrals

The following table shows the number of referrals to the service each month over the last two years.



The following table shows the age and gender profile of the children and young people accessing advocacy services throughout the 2014-15 period. Although young people aged over 18 are no longer classed as a child in terms of the legislation, the Council still offers access to advocacy services to those Young People. This would continue to be the case if the service is commissioned externally.

Age profile	Total number of LAC	Children requesting advocacy services			% of LAC accessing the service
		Male	Female	Total	
0-4	254	1	0	1	<1%
5-9	300	2	5	7	2.3%
10-14	391	23	21	44	11.25%
15-17	350	51	69	120	34.3%
Over 18	0	19	10	29	N/a
Total	1,295	96	105	201	15.5%

The majority of referrals for advocacy come from young people aged between 15 and 17.

There is no national comparator data on what would be an appropriate number of advocacy requests as a percentage of the LAC cohort, so a benchmark comparison is not possible at this point.

Advocacy referral reasons

Reason for referral	Total	%
Advocacy	22	43.14%
Contact	5	9.8%
Young person feels unsupported, wants to complain	1	2.0%
Finance & Accommodation	1	2.0%
Homeless	1	2.0%
Placement	12	23.5%
Social Work Issues	2	3.9%
Young person did not engage with services	5	9.8%
Unclear Plan	1	2.0%
Wants to move	1	2.0%
Total	51	100.0%

Between 1st April 2015 and 30th June 2015 there were a further 20 referrals to the service.

Qualitative data

There is limited qualitative performance data recorded about the current service delivery model.

Although the service records all referrals on a database and the aim is to allocate referrals promptly, the timescale for sending an appointment is not currently recorded, measured or reported on. The service aims to contact the person who made the referral shortly after allocation and to contact the child or young person within a couple of weeks.

The outcome of advocacy referrals is recorded on the closure summary and on a central database. A tick box is completed on the Council's main system (Micare) as a case closure form to indicate whether the issues have been

addressed fully, partially or not in line with the child's desired outcome.

Between 1st April 2015 and 30th June 2015 there 32 case closures:

- In 12 of these cases the issues were fully resolved
- 1 case was partially resolved
- 9 young people did not engage
- 10 were offered support, advice and signposted.

4.2.3 Independent Visitors

There is no national comparator data on what would be an appropriate number of children and young people accessing support from an independent visitor as a percentage of the LAC cohort, so we are unable to compare this.

The Council currently has 67 independent visitors registered with the service. Of these:

- 58 are currently matched with a child or young person;
- 9 are approved and registered and waiting to be matched.

There are a further two volunteers waiting to be approved and registered (DBS clearance).

As at the time of writing this report there are 23 children and young people waiting for the allocation of an independent visitor.

The service for independent visitors is managed by one of the Children's Rights Officers and any growth and activity is dependent on the capacity of this one staff member. This can sometimes result in delays in processing requests and matching children and young people and volunteers.

5. Examination of future service offer and proposals

5.1 In-house vs a commissioned service

The following describes the perceived and potential benefits of an in-house service compared to an external service.

Benefits of in-house provision

- Local knowledge, expertise and oversight.
- Strong relationships with the Council's social work staff.
- The ability to change the service more quickly dependent on local priorities.

Benefits of a commissioned service

- An externally commissioned service would give us the capacity we need. External providers of these services have access to the staff and skills on a flexible basis which the Council does not have.
- The independence of the Children's Rights and Advocacy Service is vitally important if Looked after Children and Young People are to be able to challenge the Council robustly.
- External advocates are able to challenge decisions on behalf of children and young people more effectively, as they are not involved in the decision making process and there are no conflicts of interest with their employer.
- Children and young people can be empowered to voice their wishes, feelings and any dissatisfaction about the Council without fear of consequences in the future.
- Independent advocates generally work across a range of Local Authorities and can make recommendations to the Council in on national developments and best practice.
- Where children are placed outside the city it is important that their rights are upheld and they have equal access to the service. A service provider that covers an area larger than Manchester would be able to provide this more cost effectively than direct local provision or spot purchase arrangements.

The Council commissions independent advocacy for all adults under the Care Act from the Gaddum Centre (a long standing Manchester charity) and this approach is working well with the provider being able to advocate on behalf of the individual without being compromised by any potential internal factors which may arise. It is also important to note that the advocacy market is almost exclusively delivered by the Voluntary and Community Sector.

5.2 The approach taken by other Councils.

In January research activity was carried out to determine the position across AGMA and the Core Cities.

- Of the nine other AGMA councils, three have an internal model (Bury, Stockport and Trafford). The other six have externally commissioned services.
- Of the seven other Core Cities only one, Birmingham, has an internal service offer.

There are a number of different models being commissioned and some Local Authorities have collaborated to commission the service. An example of this is Cheshire West and Chester and Halton Borough Council.

The reasons provided by the authorities for the commissioned service approach are value for money and independence.

N.b Lancashire about to re-tender externally

AGMA	Internal/External	
Bury	Internal	n.b. Previous external commission with Barnado's
Bolton	External	Action for Children
Oldham	External	Children's Society
Rochdale	External	Children's Society
Salford	External	Barnado's
Stockport	Internal	
Tameside	External	Barnardo's
Trafford	Internal	
Wigan	External	Wigan Family welfare
Regional		
Chester, Cheshire West and Halton (Joint)	External	Children's Society
Lancashire	External	
Warrington	External	NYAS
Core Cities		
Birmingham	Internal	
Bristol	External	Re-construct
Glasgow	Internal	
Leeds	External	Barnardo's
Liverpool	External	NSPCC
Sheffield	External	Voice-ability
Newcastle	External	NYAS
Nottingham	External	NYAS

The Local Authority most similar to Manchester in terms of LAC population is Lancashire and their service is delivered externally. A benchmarking exercise has been completed to ensure value for money should approval be given to commission the service. The three AGMA Councils that continue to deliver the service internally, Bury, Stockport and Trafford, all have low LAC numbers.

Work will be undertaken to establish if there is any scope to collaborate with other Local Authorities should the decision to commission the service be agreed.

Market sounding would be undertaken to assess the reaction of suppliers to the proposed requirement and procurement approach. This would bring supplier perspectives at an early stage, offering potential benefits in terms of making the subsequent procurement process more focused and efficient.

5.3 Consultation with Children and Young People

In conversations with some Looked after Children through the Directors meetings with young people, they have shared a view that it is more important to them to have the right people readily available to them when they need to speak to someone and they are less concerned about whether the service is in house or commissioned externally.

However to respond to the request of the Young People and Children Scrutiny Committee that looked after children should be consulted a limited consultation has been undertaken with a number of young people already using the service and some who have never used it. Forty young people were contacted by telephone and a questionnaire was used with a number of questions related to the out sourcing of the service. Only ten young people agreed to take part in the survey. Others said they were not interested in expressing a view.

Overall the responses were positive about the provision of the Children's Right's Service by an independent organisation. For details of the questions asked and all of the responses see Appendix A.

The information gained provides only a snap shot and those who took part were not a representative sample of all LAC. This is due to the need to change the service offer within a short time scale. It does give an indication of a small sample of young people's views that the proposal to commission the service would bring benefits.

A more extensive consultation exercise with looked after children and young people will be undertaken to inform the design of the service specification.

It is therefore proposed to move to a commissioned service that will bring the the benefits of independence and enable a more flexible offer to children and young people who are looked after. This will include specific targets to increase the number of children accessing support from an independent visitor and qualitative information about the service.

6. Next steps

6.1 Commissioning

6.1.1 Produce specification

To commission the service, a specification document will be produced detailing the expectations of the service and the range of qualitative, quantitative and financial data and performance management information that would be required by the Council. As indicated above, children and young people who are looked after would be consulted on the specification.

6.1.2 Tender/commissioning process

The commissioning process would follow the Council's accepted processes and submissions to provide a service will be invited from public, voluntary and private organisations. If agreed, the tendering/commissioning process would commence in August 2015, the contract awarded in October 2014 with a planned start date of November 2015.

Information Required	Answer
Value of tender from start to finish of (including extension period)	To be determined based on existing available resources

Start Date of Framework/Contract	3 rd November 2015
Finish Date of Framework/Contract	2nd November 2017 with option to extend

7. Staffing issues

7.1 Staff and trade union consultation

If approved the service would commence formal consultation processes with affected staff and trade unions.

7.2 Existing staff and TUPE implications

The changes would affect the two Grade 8 officers who are currently working in the service area, both of whom are experienced and social work qualified. As a result of their existing preferences and appropriate qualifications they can be absorbed into the social care workforce in accordance with the appropriate M People policy.

8. Conclusions

The Children's Rights and Advocacy Service is an essential part of the Council's duty to support to looked after children. The service can also be a valuable source of learning to the Council and this will be important as we continue the process of improving Children's Services following last year's Ofsted finding of Inadequate.

At the moment there appears to be low levels of engagement and take up of both the advocacy and independent visitors' schemes. By providing the services independently there is a higher likelihood that looked after children can confidently share concerns regarding their care experience.

9. Recommendation

The recommendation is therefore to move to a commissioned service that will improve the general access and quality of service to looked after children and young people. This will include specific targets to increase the number of children accessing support from an independent visitor and qualitative information about the service.

Appendix A

Question posed to LAC regarding the Children's Rights Service – July 2015.

	Question	Comments
1.	Do you think that it is a good idea for Children's Rights Services to be provided through an independent organisation?	<p>Y/N and reason Why</p> <p>4 LAC said yes, 4 were not sure and 2 said no.</p> <p>Children/young person's comments:-</p> <ul style="list-style-type: none"> • Yes – because they do not report back to workers what children have been saying. It's my own voice. • Yes – It would be away from people who have responsibility for me. • Yes – Might be better. • Yes – if not connected to Children's Services it may be easier to get hold of them. • Not sure – Not seen Children's Rights. • Not sure – it depends on who the Children's Rights Advocate is. It is about them and how good they are at doing their job. • Not sure – maybe, I might feel like they would argue better for me if they don't work for Manchester. • Not sure – what if the charity makes it worse than it is at the moment. • No -Too many people involved. An independent agency manages it. • No -I am happy with the service as it is. It doesn't need to change.
2.	Do you think an independent Children's Rights Service would be able to help you?	<p>Y/N and reason Why</p> <p>6 LAC said yes, 3 were not sure and 1 said no.</p> <p>Children/young person's comments:-</p> <ul style="list-style-type: none"> • Yes – if I had a problem. • Yes – probably as they would be different from the Local Authority. • Yes – being independent would be good if it made a difference – would it?

		<ul style="list-style-type: none"> • Yes – they would be separate to the council and I would feel that information was more confidential. • Yes – they can help if something is not right and make it right – to help. • Yes – no comments. • Not sure – no comments. • Not sure – no comments. • Not sure – no comments. • No – its fine as it is.
3.	Do you think it would offer something different?	<p>Y/N and reason Why</p> <p>2 LAC said yes, 5 were not sure and 3 said no.</p> <p>Children/young person's comments:-</p> <ul style="list-style-type: none"> • Yes – they may offer more services. • Yes – I have heard they can be helpful. • Not sure – no comments. • Not sure - previously been let down by them. • Not sure – they may argue better for me if they don't work for Manchester like in question 1. • Not sure – would they get listened to more? • Not sure – no comments. • No – they would do the same job. • No - no comments.
4.	Do you think young people in care would feel more able to contact and work with an independent service?	<p>Y/N and reason Why</p> <p>6 LAC said yes, 1 was not sure and 3 said no.</p> <p>Children/young person's comments:-</p> <ul style="list-style-type: none"> • Yes – children in care would be able to talk about their carers if they are not happy and would feel more comfortable to talk about it. • Yes – you know that they are not part of who is caring for you. • Yes – because you can have your own voice. • Yes – because it is different from the Local Authority.

		<ul style="list-style-type: none"> • Yes – no comments. • Yes – unsure as to why. • Not sure – no comments. • No – no comments. • No – contact would be about the same. • No – I thought they were independent anyway.
5.	Do you think that an independent service would represent you/involve you in ways that would improve services and make a difference for other young people?	<p>Y/N and reason Why 6 LAC said yes, 2 were not sure and 2 said no. Children/young person's comments:-</p> <ul style="list-style-type: none"> • Yes – they can sort things out for you. • Yes – it would be separate from the people who care for me. • Yes - like I said it is different from the Local Authority. • Yes – if they offer the same kind of groups. • Yes – no comments. • Yes – no comments. • Not sure – Don't know. • Not sure – no comments. • No – they would be doing the same thing. • No – no comments.
6.	Any other comments.	One LAC said he would like to speak to Children's Rights and has been referred for support. .

There was a response from 10 children and young people. Many of those contacted did not wish to give a view or could not give a view.

The response to Question 1 which asked whether children/young people thought it would be a good idea to provide the Children's Rights Service via an independent organisation was 50/50 with 2 young people expressing the view that they were unsure.

The response to Question 2 which asked whether young people felt that an independent Children's Rights Service would be able to help them provided a positive majority response.

The response to Question 3 which asked whether an independent organisation would offer anything different provided a majority response where young people were not sure.

The response to Question 4 which asked whether young people would feel more able to contact and work with an independent organisation provided a positive majority response.

The response to Question 5 which asked whether young people felt that an independent organisation would represent them/involve them in ways that would improve services and make a difference provided a positive majority response.

Overall there were more positives about the provision of the Children's Right's Service by an independent organisation rather than keeping it inhouse.