

**Decision to be made by the Deputy Leader Portfolio Holder
for Finance and Property) on or after
18 August 2017**

**Framework of Independent Psychological and Social Work
Assessments**

Recommendations

That the Deputy Leader (Portfolio Holder for Finance and Property):

1. Approves proceeding with an appropriate procurement process for the provision of an Independent Psychological and Social Work Assessments Service.
2. Approves and authorises the Strategic Director of People Group to enter into all relevant contracts for the provision of the Independent Psychological and Social Work Assessments Service on terms and conditions acceptable to the Joint Managing Director (Resources)

1.0 Key Issues

- 1.1 Independent expert services are currently used to undertake independent psychological and social work assessments and to provide final reports for use by Children's and Families social workers. These reports are then used in the Public Law Outline (PLO) process or by Legal Services for the court process to inform the care planning for children and their families.
- 1.2 The Family Justice Council identifies the areas for the instruction of expert assessments as follows:
 - To describe the factors and mechanisms that would explain the parent's (or primary care givers) harmful or neglectful interactions with the child/ren
 - To explain the interventions that have been tried and the consequent result.
- 1.3 The authority currently spot purchase psychological and independent social work assessments. Psychological assessments are to assess whether parents have an understanding of the safeguarding concerns for their children and/or whether they have the capacity to change once they acknowledge those concerns. Social work assessments are usually procured under the direction of the court to provide an independent view on the parent's capabilities or of relatives who might be considered as carers for a child/ren, or to address a specific case management issue such as contact issues or the decision to separate siblings. Occasionally they are commissioned to complete parenting assessments due to lack of capacity within mainstream services.

- 1.4 Using financial information from 2015/16, WCC Children and Families teams spent a total of £390,679 on expert assessments. WCC has seen an increase in the number of expert assessments following the introduction of the Public Law Outline (PLO) process. The PLO process requires assessment reports to be produced prior to going to court, whereas previously a number of assessments would be ordered through the court process and the costs split between the parties.
- 1.5 In addition to anxiety about a spot contract approach to these services there has been concerns about the rates WCC have been charged and the quality of the assessments produced. There is therefore a need to ensure a clear procurement process to achieve better value for money and quality assessments that are completed within the timescales required for care planning in the PLO process and/or the legal process.
- 1.6 The key aim of the tendering process is to bring the costs for expert assessments in line with the agreed Legal Aid rates (Appendix 1). In addition the tendering process will stipulate the standard of reports needed and the qualifications and experience required of the experts in order to increase the quality of the assessments.
- 1.7 The savings targets under the One Organisation Plan 2017 – 2020 for expert assessment are savings of £15,000 in 2017-2018 and a further £15,000 in 2018-2019. Applying the total savings the annual value of the contract per year would be £360,679. Over the life of a four year contract this gives a contract value of £1,442,716.
- 1.8 Further savings and financial control will primarily be realised through the use of a framework of expert assessments in the PLO process. Once cases are in the court arena the courts can direct the use of specific expert services. We have consulted with CAF/CASS and Coventry Combined Court regarding the framework and specification and will continue to liaise with them in order to make best use of the procurement process.

2.0 Options and Proposal

- 2.1 In order to address the issues highlighted in this report a number of options have been explored (the full analysis can be found in the supporting business case). Below is a summary of those appraisals.

2.2 Option 1 (not recommended)

To continue to spot purchase assessments from a small number of experts. Children's services and legal services use approximately 25 local providers for psychological and independent social worker assessments. As stated above there is concern about the transparency of this mode of procuring services, the quality of the reports produced, the value for money and control of costs.

2.3 **Option 2 (not recommended)**

Warwickshire are party to the Telford and Wrekin framework for expert services but to date Social Care practitioners have not utilised the contract due to it not being widely publicised. The framework has 22 providers for psychological and parenting assessments. There is concern about the range of providers currently on the framework, their proximity to Warwickshire and their quality. It has not been possible to obtain feedback on their quality from the other local authorities included in the tender. The provider rates charged are in line with the agreed Legal Aid 2013 rates.

2.4 **Option 3 (recommended)**

Warwickshire commission a multi provider framework of experts for psychological and independent social work assessments to be used by WCC Children's & Families teams with the budget for these assessments. The opportunity of price reductions for multiple assessments will be further investigated as part of the process. Key performance indicators will include the timeliness and quality of the assessment reports produced. The framework could be made available to Coventry City Council and Solihull Metropolitan Borough Council particularly as Coventry use the same courts as Warwickshire.

2.5 The proposal is to tender out and secure a framework contract for independent psychological and social work assessments for use by children and families and legal services. The framework will have the option to be refreshed as and when required. The framework contract is to also include the option for Coventry City Council and Solihull Metropolitan Borough Council to join this arrangement.

3.0 **Timescales associated with the decision and next steps**

3.1

| Date | Actions |
|---------------------------|------------------------------------|
| 24 August – 28 September | Invitation to Tender |
| 29 September – 19 October | Evaluation Period |
| 20 October – 26 October | Selection process & contract award |
| 8 November – 31 December | Implementation Period |
| 1 January 2018 | Start of contract |

Background papers

None

Appendices

1. Legal Aid Rates
2. Business Case

| | Name | Contact Information |
|--------------------|-------------------------|---|
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This report was circulated to the following elected members prior to publication.

Councillors Butlin, Boad, Timms, Singh Birdi, O'Rourke

Appendix 1

Legal Aid Rates for Expert Services

| | Hourly Rates |
|---------------------------|-----------------------------|
| Psychologist | £100.80 child, £93.60 adult |
| Psychiatrist | £108 |
| Independent social worker | £33 |
| Paediatrician | £108 |
| Radiologist | £108 |
| DNA test | £252 per test |

Detailed Business Case

| | |
|----------------------------|---|
| Document Title: | Development of a framework agreement for Expert Services |
| Description: | A framework to support the commissioning of high quality and cost effective independent, specialist psychological and social work assessments |
| Author: | Brenda Vincent |
| Contact: | Brenda Vincent |
| Status: | Version 2 |
| Date: | 26.9.2016 |
| Audience (if restricted) | Children's and Families Business Unit |
| Rights. Protective marking | Not protectively marked. |
| Location | |
| Filename | |

Version History

| Version | Author | Date | Changes |
|---------|-------------------|----------|--|
| 1.0 | Brenda Vincent | 26/9/16 | Detail |
| 2.0 | Louise Cunningham | 11/11/16 | Detail included - financial information, options and appraisal information. |
| 3.0 | Louise Cunningham | 15/11/16 | Detail - Incorporate amendments from project team, financial spend on Reaside contract |
| 4.0 | Louise Cunningham | 9/4/17 | Amendments and update timescales ahead of report going to GLT. |

1. Background:

The business case concerns the commissioning of independent expert services to undertake assessments and provide final reports for use by children's social workers or for the court process to inform the care planning for children and their families. The Family Justice Council identifies area for the instruction of expert assessments as follows:

- To describe the factors and mechanisms that would explain the parents (or primary carers) harmful or neglectful interactions with the child/ren
- What interventions have been tried and what has been the result?

Further Sir James Munby, President of the Family Division referring to the Family Procedures Rules 2010 reiterated that 'expert evidence is to be restricted to what is necessary', meaning that consideration needs to be given to what it will add to the information that the court already has. He sought to strengthen the role of social workers in their field of practice and as experts in their own right and makes it clear

that local authority must be clear in its thinking in relation to expert evidence. Where expert assessments are sought the Family Justice Review in 2011 raised concerns about the cost and delays in instructing experts and also the quality of such reports. The case law is clear that the courts must have the best possible evidence on which to determine applications and the Family Justice Review repeatedly highlighted the importance of avoiding delays. It is vital for children and their families that decisions are made expeditiously.

Expert services can include the following professionals and services;

- Psychologists,
- Psychiatrists
- Independent social workers
- Parenting (PAMS) assessments
- Paediatricians
- Radiologists
- DNA testing
- Drug and Alcohol testing

This business case will centre on the use of expert services for psychological assessments and independent social worker assessments as this is where the majority of WCC spends are concentrated.

Psychological assessments

Children and Families Services commission independent psychological assessments on parents. This is to inform their work and interventions with a family or to support the court in reaching a decision at the conclusion of care proceedings where children are considered at risk of harm. The psychological assessment is usually required to assess whether the parent/s have an understanding of the safeguarding concerns for their children and/or whether they have the capacity to change once they acknowledge those concerns. Further the assessment might be required to determine the impact on the child/ren of the parental circumstances and behaviours.

Social Work Assessments

Independent social work assessments may be commissioned under the direction of the court to provide an independent view on the parents capabilities or of relatives who might be considered as carers for a child/ren, or to address specific case management issues such as contact issues or the decision to separate siblings. Occasionally they are commissioned to complete parenting assessments due to lack of capacity within mainstream services.

Both psychological and independent social work assessments are currently commissioned directly via WCC children's teams for work outside the court arena or commissioned via WCC legal department for work requested via the court process. Whereas the costs for assessments outside the court arena is from children's team

budgets the costs for expert services order via the court process may be split between the parties.

Currently children's teams are using a small number of providers to undertake assessments. The costs vary from provider to provider as does the quality of the assessments. Feedback from the children's teams is a number of reports that have been unable to use due to the poor quality. From invoicing it appears not all providers rates are in line with the legal aid rates.

Children's teams have access to psychological assessments via FPAS (Reaside) contract. The courts and opposing private solicitors have questioned the independence of reports where the LA has contracted with only one provider so teams are also sourcing other experts. In addition to this FPAS require adults to attend their centre in Birmingham. Due to this it has proved challenging to get some adults to attend assessments. The forecasted spend on this contract for 2016/17 is £8000 against a budget of £45,000.

WCC also has access to a framework for expert services let by Telford & Wrekin Council. Four other local authorities including Warwickshire are able to use this framework agreement. This contract is due to end in March 2018. The majority of providers on this framework are based in or close to Telford and Wrekin and as mentioned above it can be challenging to get adults to attend assessments outside of Warwickshire. This framework has not been used by WCC to date.

2. Business Requirement:

Children and Families Services are required to proactively case manage the care planning processes for children and young people who are looked after or who are at risk of becoming looked after. The Business Unit will be introducing a revised process under the Child's Journey mandate where service managers will be brought into the early case decision process through the fortnightly multi-agency Case Decision Meetings. It is at this point that consideration may first be given to the need for an expert assessment and the reasons for this. WCC has seen an increase in LA funding following introduction of Public Law Outline process and needing all reports prior to going to court whereas previous a number of assessments would be ordered through the court process and the costs split between the parties. Psychological or independent social worker assessments should not be commissioned as a substitute for assessment which would ordinarily be completed within the Children and Families Business Unit or other related services such as parenting and domestic violence assessments.

As part of the County Council's overall strategy under One Organisational Plan decisions must be made to the reduce the need for children and young people to become looked after, or to remain looked after for longer than necessary. Any

services commissioned must be of high quality and at a cost commensurate with the quality of report received. It must comply with the aforementioned requirements. Finally the Business Unit must cooperate with the court in the commissioning of expert assessments where these are agreed necessary. There are savings to be achieved in line with One Organisation Plan 2017-2020 proposals. In addition to a reduction in costs associated with less children becoming looked after by the local authority, there are additional savings targets of £15,000 in 2017-2018 and a further £15,000 in 2018-2019.

There hasn't been robustness or transparency in how these assessments are commissioned, the ability to control spend or quality control of the assessments produced. From investigations into our current spend it is also clear that budgets for expert services are also being used for other services such as advocacy for parents. There is a need to ensure that the teams have the information required to ensure they are using the most appropriate contracts for expert services to get value for money, good quality assessments that are completed in a timely fashion to fit in with the needs of the families concerned, the social workers and the courts.

2015 -2016

| Contract | Budget | Spend |
|--|---------------------------------|-----------------|
| Birmingham & Solihull Mental Health NHS Trust - 'Raeside' Contract (HB501) | £45,000 | £30,244 |
| Legal expert services disbursements | within overall C&F Legal Budget | £292,435 |
| Psychological assessments (children's teams) (R4405) | £64,500 | £68,000* |
| Total | | £390,679 |

* Of this spend £54,000 is spent by Bedworth Children's team. The significance of one team using nearly 80% of the budget may be explained by the volume of care proceedings cases instigated by this team.

3. Objectives / Outcomes:

To have access to a pool of competent and accredited professionals who can complete high quality psychological or independent social work assessments that are concise, evidence based, and are completed within a timescale that fits within the care planning and/or legal processes.

For the assigned expert to:

- Be registered with the health professional's council and has full membership of the British Psychological Society or be an experienced and registered social worker with HCPC.
 - Have experience of assessing adults/children and families
 - Have an understanding of child protection issues
 - Be currently engaged in practice and hold contracts with relevant health, government or educational bodies (NHS, private clinic, prison service, local authority) or continued practice within the area that they are assessing.
 - Conduct all aspects of the work and not to use graduates/trainees or assistants
 - Use current approved material in undertaking psychometric tests
 - Complete risk assessments to the expected standard using nationally recognised frameworks/models of practice.
 - Have the ability to provide provisional options based on evidence and alternative opinions
 - Have their reports peer reviewed to quality assure and ensure high standards of practice and professional judgement
 - Provide a high quality concise written report with contents and presentations conforming to Civil Proceedings Rules.
 - Have expertise in areas including (i) addictive behaviours (ii) domestic abuse (iii) attachment theory (iv) risk assessment e.g. sexual abuse and offending behaviours (v) adolescent development and behaviours.

4. Stakeholders

Key stakeholders in developing an approach to expert services are the Children and Families operational teams, legal services, CAFCASS and the courts. Early engagement with stakeholders is vital to ensure the success of any approach taken.

5. Options

- **Option 1 - do nothing**

Currently children's teams and legal services spot purchase from a small number of experts. From looking at the financial information children's services and legal services use approximately 25 providers for psychological and independent social worker assessments. These providers are close in proximity to Warwickshire or the majority travel to Warwickshire to undertake assessments.

- **Option 2 - Publicise and use the Telford & Wrekin Framework**

Warwickshire are part of the Telford and Wrekin framework for expert services but to date have not utilised this contract. Herefordshire, Dudley, Walsall are also named on the framework. The framework is due to end in March 2018. From the information provided there are 22 providers across two lots for psychological and parenting assessments. The provider rates charged are in line with the agreed Legal Aid 2013 rates.

- **Option 3 - Commission Warwickshire framework for expert services**

Warwickshire to commission a multi provider framework of experts for psychological and independent social work assessments to be used by children's teams and legal services and combining the budget for assessments. This framework will be tiered with two levels of provider; tier 1 represent those who apply the legal aid rates and tier 2 for specialist providers who justifiably charge higher than legal aid rates and who will be considered exceptional due to their particular experience and expertise. The specification can cover reduced rates where parents fail to attend for example and the option of bulk buying at discounted rates to be investigated. Key performance indicators in the contract would include the timeliness and quality of the assessment reports produced. The framework agreement would not restrict the number of providers on it.

There are a number of ways the framework could operate. Referrers could;

1. Select their preferred provider from the framework
2. Select the provider by rotation i.e. the one due from the top of the list
3. A further competition open to all providers on the appropriate tier(s) providing details of their cost and availability which will be evaluated to achieve best value.

Options Appraisal

An options appraisal has been conducted based on the following key factors;

- Transparent and independent commissioning process in order to counter questions of the independence of assessments by courts or private solicitors where it is possible for WCC to instruct their own expert assessments and not instructed by Courts/CAFCASS.
- Range of providers and proximity to Warwickshire or the ability to travel to Warwickshire to undertake assessments. Recent experience with the FPAS contract has shown that it is a challenge to get adults to undertake assessments outside of Warwickshire and to try to minimise costs for traveling expenses.
- Quality and timeliness of reports
Case law is clear that the assessment is “a key piece of the evidential jigsaw which informs the local authority’s decision making”¹ and that the courts must have the best possible evidence upon which to determine applications. The Family Justice Review (2011) highlighted that avoiding delay is vitally important to children, the need for decisions to be made expeditiously and has encouraged the current court practice of concluding cases as speedily as possible.
- Value for money.

¹ Re Z(A child: Independent Social Work Assessment) [2014] EWHC 729 FAM

| | Option 1 | Option 2 | Option 3 |
|---|--|--|---|
| Transparent & Independent commissioning | Unclear how providers are being selected for assessments and reports. Concern raised by courts and opposing solicitors about the independence of reports where using or favouring one provider (in the case of FPAS). Currently spot purchasing and in a number of cases the provider is selected by the referrer only. Legal will have input from the courts and CAFCASS when appointing providers in some court cases. | Independently tendered contract with quality assurance and performance measures incorporated into the contract. | Independently tendered contract with quality assurance and performance measures incorporated into the contract. |
| Range of providers in close proximity to Warwickshire | Approximately 25 providers are being used for psychological and independent social worker assessments by children's and legal services. The majority of providers are close in proximity to Warwickshire or undertake assessments in Warwickshire. | Smaller number of providers than current used by Warwickshire: 22 providers across two lots for psychological and parenting assessments. There is concern about the availability of providers currently on the framework to work within Warwickshire. Many are regional or national providers. | It is hoped that tendering for a Warwickshire framework would increase the range of current providers. We would invite our existing providers to tender for the framework as well as working with other stakeholders such as CAFCASS and the courts to ensure there is a range of acceptable providers for court assessments. The |

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|-----------------------------------|---|---|--|
| | | | specification will require providers to offer appointments at appropriate locations easily accessible for Warwickshire parents |
| Quality and timeliness of reports | The quality and timeliness of the assessments and reports is reported as being variable and on occasions reports are not able to be used due to their poor quality and alternative assessments have had to be procured. | Only one of the providers is known to and used by WCC currently. It has not been possible to obtain feedback on their quality and timeliness from the other local authorities included in the tender. | It is proposed that Warwickshire provide templates of the assessment paperwork to be included in the tender pack and provide an information session for successful providers on framework so they have a clear understanding of the quality required. By stating at the outset the time constraints for the completion of the assessments only those providers who are able to meet this should respond to the request. Key performance indicators in the specification will address quality and timescales. |
| Value for money | Uncertainty about the value for money of the assessments | Rates charged look to be in line with Legal Aid rates | Tiered pricing will ensure best value for money. |

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|--|--|--|--|
| | and whether they are in line with Legal Aid rates. | | Guidance on rates included in the tender pricing schedule in line with Legal Aid rates |
|--|--|--|--|

From this appraisal the preferred option is option 3, commission a Warwickshire framework for expert services.

6. Costs and Funding:

From the above work last year’s spend on expert services totalled £390,679. However, there are savings targets in line One Organisation Plan 2017-2020 proposals. The targets are savings of £15,000 in 2017-2018 and a further £15,000 in 2018-2019.

Currently there is a range of rates charge from expert services. The aim via the tendering process would be to get the costs for expert services in line with the agreed Legal Aid rates, see appendix 2. It is unclear from the financial recording how many assessments are completed under each heading to enable a comparison to the Legal Aid rates in order to forecast a contract value.

If we apply the total savings for 2017/18 and 2018/19 the value of the contract per year is £360,679. Over the life of a four year contract this gives a contract value of £1,442,716.

7. Benefits:

- A reduction in spend on spot purchased psychological and social work assessments
 - Explicit standards for the qualifications and experience of the professionals who are commissioned to complete the assessments.
 - Increase in the potential range of expert witnesses
 - Improved timeliness
 - Transparent commissioning process

8. Risks:

The following risks have been identified that will need to managed and kept under review:

| Description | Probability | Impact | Action |
|------------------------------|-------------|--------|------------------------------|
| Other professionals/agencies | Medium | High | To discuss and work with the |

| | | | |
|---|--------|--------|--|
| do not support the proposal for a framework of providers | | | courts and other professional bodies through the whole process including evaluation of bids. |
| Renown experts choose not to join up the framework process resulting in limited choice of providers | Medium | High | To enter into early discussions with current providers. Arrange a provider's event and promote benefits of having a framework |
| Legal aid rates are not acceptable to the providers | Medium | Medium | The providers on the Telford and Wrekin framework look to be in line with Legal Aid rates. Soft market testing, research to understand current rates. |
| Time and capacity of expert witnesses | Low | Low | Framework will seek to increase the number of potential providers |
| Teams/parties do not use the framework or are not able to approach their preferred experts | High | High | Teams involved from the start of the process and their preferred providers identified and encouraged to participate in the framework. Service managers at Case Decision Meetings to instruct expert services from the framework. |
| Reports are not of good quality and/or not completed within the required timescales. | Medium | High | Robust quality assessment as part of the tender evaluation process. Use of WCC approved report templates and introduction session to providers at start of the contract. |

9. Key Milestones / Time Scales:

| When | What | Who/Lead |
|---------------------|---|--|
| Nov 2016 | Devise business and draft service specification | Brenda Vincent |
| Dec 2016 – Feb 2017 | Advise stakeholder groups - children's teams, the courts and CAFCASS of proposals | Legal Services/Commissioning/operational teams |
| Feb – Mar 2017 | Finalise specification and contract with input from stakeholder groups and legal services. | Commissioning |
| Mar – April 2017 | Review and finalise procedure for calling off aligning this with the Child's Journey processes. | Finance/Operations/commissioning |

| | | |
|-------------------------|---|---|
| | Establish a process for monitoring the spend. | |
| Mar - Apr 2017 | Approval at SCLT and GLT | Commissioning/ Procurement |
| Aug 2017 | Gain Portfolio holder approval to tender | Commissioning/ Procurement |
| Aug – Sept 2017 | Invitation to tender | Commissioning/ Procurement |
| Sept – Oct 2017 | Evaluation period | Commissioning/ Procurement/Operations leads |
| Oct 2017 | Selection process and contract award | Commissioning/ Procurement |
| Nov – Dec 2017 | Implementation Period | Commissioning/ Procurement/Operations leads |
| 1 st January | Start of Contract | Commissioning/ Procurement |

10. Summary and recommendations

The business case sets out a new approach for the commissioning of expert assessments in line with judicial rules that set out the charges that should be made for such work. It is recommended that the framework is put in place to start 1 January 2018. The proposals for a framework agreement will clarify and strengthen the current arrangements, hopefully increasing the range of experts, provide value for money and provide assessments that are consistently of a high quality at the various stages of the child's journey where it is deemed necessary.

Service managers remain responsible for authorising the assessments and to agreeing any exemption to usual rate and legal services will complete the letter of instruction against the criteria listed in Appendix 1. The spend and savings will be monitored through the Children's Transformation Board.

Recommendations:

1. To commission a WCC framework of expert services
2. To devolve the budget for children's and families to the two service managers chairing the decision making panels