

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Interim Executive Director for Children and Young People
Date 6 February 2014

Part I

Electoral Division affected:
All in Blackpool and
Blackburn with Darwen

Use of Court Experts in Care Proceedings

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Executive Summary

A recent Family Justice Review has outlined changes in how court experts should be used in care proceedings for children and young people. A wide range of professionals are currently used to submit evidence to the Court, and the Review seeks to reduce the number and frequency of their use.

In 2012/13, the Local Authority spent approximately £0.400m on legal experts in relation to Child Protection matters and a further £0.215m on other non-legal expert assessments. If agreed, Lancashire County Council will work with its Local Authority partners, Blackpool and Blackburn with Darwen Councils to reduce the number of experts used and their associated costs. It is anticipated that a Framework Agreement is the most effective approach to achieving this.

It is important to highlight the distinction between expert assessments for Pre-Proceedings and Full Care Proceedings. Since each requires different types of expert reports the Framework will initially focus on Pre-Proceedings, particularly in light of the tight time scale in place. A secondary Framework will be put in place approximately 12 months later for experts involved in Full Care Proceedings.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to approve the tendering for a Framework Agreement over a four year period, in conjunction with the County Council's local authority partners, Blackpool and Blackburn with Darwen Councils. The value of which will exceed £1.4m over the lifetime of the Framework.

Background and Advice

The Family Justice Review, undertaken by the Ministry of Justice, has outlined changes in how Court Experts should be used in Care Proceedings for children and young people. Experts are required to provide information and evidence regarding the welfare and needs of children and young people to inform the court process. A set of National Standards has been introduced which will ensure consistency, quality and accountability of the experts. These standards will also form the basis of the service specification. The Local Authority spent approximately £0.615m in 2012/13 on experts for Care Proceedings including solicitors, independent social workers, psychologists, DNA testers and medical professionals of various disciplines.

In 2012/13, a total of 796 Full Care Orders and 309 Interim Care Orders were in place.

In the current financial climate and with demand for social care services continuing to rise, Children's Social Care and the Integrated Health Service suggest that experts are commissioned in a more consistent and organised manner in order to reduce the use and costs associated with experts and to use in- house experts more frequently. The National Standards will be in place from April 2014 and stipulate more frequent use of in- house experts. In doing so, Children's Social Care will be able to use their professional expertise to contribute quickly and effectively to Care Proceedings.

There are two types of Care Proceedings; Pre and Full Care Proceedings. Each type is funded in a slightly different manner and experts are required to give different types of reports. In regards to pre- proceedings, commissioning in 2012/13 totalled £0.215m.

In regards to Full Care Proceedings which are jointly funded by legal parties the Authority's share of court expert costs totalled £0.400m was spent, largely in relation to expert assessments, investigations and medical consultancy.

It is anticipated that a Framework Agreement would be the most appropriate method to reduce costs and to ensure that the best experts are commissioned to provide evidence. It is envisaged that the Local Authority will work in conjunction with Blackpool and Blackburn with Darwen to reduce costs further and to ensure that the highest quality and most appropriate experts are on the Framework.

The Framework Agreement will initially focus on Pre-Proceedings and approximately 12 months later, a secondary Framework Agreement will be devised for Full Care

Proceedings. The Framework Agreement will focus on experts from the following disciplines; Hair strand and carbohydrate liver testing, independent social workers, psychological assessments, provision of counselling and therapies and DNA testing.

Agreement is sought to proceed with tendering for a Framework Agreement over a four year period, in conjunction with our Local Authority partners in Blackpool and Blackburn with Darwen. The tender will be run in accordance with EU Procurement legislation and the county council's standing orders.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

- effective commissioning of Court Experts will ensure that the highest quality reports are submitted to Court in a timely manner and at a reduced cost to the Local Authority and its partners;
- the commission will include the procurement of external services above the value of £1.4m over the lifetime of resulting frameworks / contracts.

Risk management

The Family Justice Review and associated changes should be in place from April 2014. The recommendations have been put in place to reduce the number and frequency of Expert reports in order that Care Proceedings are completed within the correct timescales. By not adhering to the changes, there is a risk that the Local Authority misses the deadline for changes to be in place and also continue paying large amounts of money that could be reduced.

Legal

There are no legal implications as the procurement exercise will be fully compliant with all legal requirements.

Procurement

Officers from the Directorate, the LPCoE and partners from Blackpool and Blackburn with Darwen will continue to work together to develop the optimum commissioning solution for the Council subject to the item being agreed.

Financial

The Authority is facing significant budget reductions over the next four years and a strong commissioning strategy will be a key contributor to delivering cost reductions whilst maintaining and, where possible improving, the quality of service delivery.

Children's Social Care is continuing to experience a rise in referrals and numbers of child subject to Child Protection. The increase in demand has resulted in significant

pressure on the Directorate's legal budget and spend has increased by £2.0m in the past three years.

In 2012/13 the Directorate spent approximately £0.615m on experts and a detailed review has identified some significant variations in fees charged, albeit in some cases justified by level of complexity. As an example psychological assessments can vary from £850 to £2100 per assessment.

It is anticipated that the introduction in 2013 of the new Public Law Outline will ultimately reduce legal spend overall but that the use of experts for pre-proceedings could rise as the process becomes embedded in practice. Whilst some services could be delivered in-house the demand for commissioned expert services in some areas is expected to rise and so the introduction of a Framework Arrangement will be key to driving down costs and delivering better value for money.

The proposed Framework will cover a 4-year period which provides the opportunity to liaise with current experts to devise either a standard fee, or if a tier system if more appropriate. This will ensure financial consistency amongst experts and will assist with future financial planning.

Consultation and Partnership working will commence in February, with the intention that the new agreement will be in place by September 2014. An open tendering process will be used in compliance with corporate standing orders and EU procurement legislation.

If this proposal is approved, financial viability of tendering organisations will be assessed as part of the standard tender assessment process.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A