

Notice of KEY Executive Decision

Subject Heading:	Approval for a 3 year Shared Services Agreement for an Emergency Duty Team (EDT) from 1 st April 2023 to 31 st March 2026, for the provision of out of hours emergency services for Children's social services in London boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest.						
Decision Maker:	Robert South, Director for Children's Services						
Cabinet Member:	Oscar Ford, Cabinet Member for Children's Services						
SLT Lead:	Robert South, Director for Children's Services						
Report Author and contact details:	Laura Wheatley, Senior Commissioning and Project Manger T: 01708 434019 E: laura.wheatley@havering.gov.uk						
Policy context:	The EDT service discharges statutory social care duties in compliance with the Children's Act 1989, section 6(3) of the Human Rights Act 1998 and Local Government Act 2000 responsibilities, whilst ensuring public safety, by providing an emergency social care crisis response for children, outside of normal working hours.						
Financial summary:	The estimated maximum cost to Havering for the proposed new 3 year contract is £937,000 <table data-bbox="798 1892 1117 2024"> <tr> <td>2023/24</td> <td>£307,000</td> </tr> <tr> <td>2024/25</td> <td>£312,000</td> </tr> <tr> <td>2025/26</td> <td>£318,000</td> </tr> </table>	2023/24	£307,000	2024/25	£312,000	2025/26	£318,000
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	However this could vary depending upon demand from Havering and the other participating boroughs. Forecast expenditure for 2022/23 is £304,000.
Reason decision is Key	Expenditure of £500,000 or more
Date notice given of intended decision:	07/03/2023
Relevant OSC:	People
Is it an urgent decision?	No
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents [X]

Place - A great place to live, work and enjoy []

Resources - A well run Council that delivers for People and Place. []

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Approval for a 3 year Shared Services Agreement for an Emergency Duty Team (EDT) from 1st April 2023 to 31st March 2026, for the provision of out of hours emergency services for Children's social services in the London Boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest.

The current four borough Children's EDT shared service agreement expires on the 31st March 2023 and members have indicated their wish to continue with the service. A proposed 3 year agreement was agreed in principle by all members.

AUTHORITY UNDER WHICH DECISION IS MADE

The Havering Constitution:

Part 3: Responsibility for Functions, Article 2 – Executive Functions

3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 of the Constitution.

To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc. as required by external regulatory agencies.

STATEMENT OF THE REASONS FOR THE DECISION

Prior to expiration of the Children's EDT agreement on 31st March 2023, the four Boroughs agreed to provisionally renew the current arrangements for the integrated provision of the out of hours emergency service to cover across the London Boroughs of Barking and Dagenham, Havering, Redbridge and Waltham Forest. In order to provide the most effective services and ensure that the four authorities have access to the widest possible expertise, all have agreed to continue to collaborate upon the basis set out in the new agreement produced by the host borough: London Borough of Redbridge.

Background

The EDT service discharges statutory social care duties in compliance with the Children's Act 1989, Children and Families Act 2014, section 6(3) of the Human Rights Act 1998 and Local Government Act 2000, whilst ensuring public safety by providing an emergency social care crisis response for children outside of normal working hours.

Following a recommendation from Ofsted to review the joint children's and adults arrangement between the London Boroughs of Barking and Dagenham and Havering that had been in place for over 10 years, a collaborative initiative for Children's Emergency Duty Team (EDT) was created.

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A four borough Children's Emergency Duty Team (EDT) service was introduced in 2014 and provides a standardised service across the London Boroughs of Havering (LBH), Barking & Dagenham (LBBD), Waltham Forest (LBWF) and Redbridge (LBR). The service is managed and delivered by Redbridge Council on behalf of the four boroughs. The Children's EDT accommodation is based at the Redbridge Control Centre, 531, Ley Street, Ilford, Essex. IG2 7QZ.

The arrangements were originally for three years and were reviewed in 2017 and 2020 with a decision made to continue with the current arrangements. The 4-borough partnership was brought in to save cost and continues to be a cost effective working arrangement.

The aim of the 4 boroughs Children's EDT is to keep children safe by responding to situations arising outside normal working hours, which require the intervention of a social worker and cannot wait for a resolution the next working day. (This may include referrals which are not assessed as emergencies but where delay before intervention by day staff could cause deterioration in the welfare or safety of the child).

All four boroughs have stated that they would like to continue the service and enter into a new 3 year contract. Subsequently, Redbridge took a decision paper to their cabinet on the 15/11/2022 which agreed to enter into the necessary legal agreements to continue a children's 4 borough EDT service.

Current Arrangements

- The EDT service has a full-time service manager, service coordinator, data officer, two practice managers and six senior practitioners.
- The service also utilises a staff bank of twelve senior practitioners and three practice managers who undertake shifts to cover sickness, annual leave and other absences.
- The service is delivered from 5.00pm – 9.00 am on weekdays and throughout weekends and bank holidays.
- There is a standardised service across the four boroughs. The service is delivered from two location teams covering Barking and Dagenham and Havering (Team1) and Redbridge and Waltham Forest (Team 2).
- Redbridge is authorised to discharge all the executive functions which an EDT service may need to deliver. This includes duties arising from s17 children in need arrangements and s20 looked after children arrangements. The arrangements do not absolve the authority concerned of any statutory duties that might arise, nor does it prevent that authority's workers from exercising those functions should the need arise.
- Clear processes and procedures are in place for service delivery. There are two senior practitioners on duty each night or day as appropriate, with each being responsible for one team. Referrals are received via the boroughs' out of hours call centres and are received via secure email into a generic inbox. The senior practitioners respond to the referrals for their team and respond in line with the process and procedures.
- The social care record is updated for each referral on the relevant borough's Integrated Children's System (ICS). Additionally, a record of all referrals received and the response for all four boroughs is updated on the Redbridge ICS. This means that uniform data is available for reporting and planning purposes for the service.

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Contact Rate per Borough Year 2020/21 – 2022/23

The children's EDT budget has historically been split by usage, and this will be the case for the new budget. The new budget has been calculated from contact rate per borough, years 2020/21 – 2022/23.

The table below shows the number of contacts for each authority from April 2014 to March 2022. The reduction in the number of contacts in the financial year ending 2021, is understood to be due to the impact of the Covid pandemic.

Number of Contacts

Authority	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Waltham Forest	3,671	4,748	5,246	5,652	5,079	4,340	4,043	4,083
Havering	2,672	2,711	3,598	5,472	6,212	5,143	4,327	4,878
Barking & Dagenham	3,033	4,149	5,281	5,011	4,749	5,190	4,285	4,422
Redbridge	2,916	3,500	3,446	3,732	3,340	2,922	3,929	4,188
Other ¹	89	192	146	103	114	162	208	150
Total	12,381	15,300	17,717	19,970	19,494	17,757	16,792	17,721

The EDT service responds to urgent requests and the top four reasons for contacts are; absence from care, missing from care, requests for information and child welfare concern as shown below:

Top Reasons for contact April 2021 – March 2022

	Barking & Dagenham	Havering	Redbridge	Waltham Forest	Total
Missing from Care	1,253	1,299	1,220	1,228	5,000
Absent from care	756	1,337	728	1,159	3,980
Request for Information / Advice	542	568	653	422	2185
Child Welfare Concern	313	359	352	278	1,302

In the year end March 2019, the EDT service started to receive contacts where concerns were more complex. Contacts included children being arrested for criminal activity and criminal and sexual exploitation. Contacts also included high level crimes and on occasion, suspected murder. This means that although the annual figures have been lower since March 2019, the workload has increased as cases require more input.

New Agreement & Cost Breakdown

The four-borough EDT budget for 2022/23 is £1.096m. Each partner pays a slightly different amount based on service use as shown below:

Financial Contributions

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	Financial Contribution by Referral Volume		
	20/21 £m	21/22 £m	22/23 £m
Waltham Forest	0.280	0.262	0.254
Havering	0.313	0.280	0.304
Barking and Dagenham	0.273	0.277	0.275
Redbridge	0.184	0.254	0.263
Total Budget	1.050	1.073	1.096
Overspend/ Underspend Figure	-0.031	0.015	
Total Service Cost	1.019	1.088	1.096

The budget for the 3-year arrangement 2023/26 is outlined below. The new proposed cost is £1.102m across the 4 boroughs in the first year with 2% added inflation for the remaining years of the contract. This figure includes the additional budget for sickness, maternity leave, training and annual leave.

BUDGET - Emergency Duty Team (EDT)					
		2023/24	2024/25	2025/26	3 Year Total
0002	Administrative Officers - Pay	£95,280	£93,310	£95,176.20	£283,766
0011	Head Of Division	£10,000	£10,200	£10,404	£30,604
0040	Overtime (Annual Leave, Sickness, Maternity, Additional Shifts, Bank Holidays)	169,650	£173,043.00	£176,503.86	£519,197
0041	Managers & Assistant Managers - Pay	£289,830	£295,626.26	£301,538.79	£886,995
0065	Senior Social Work Practitioners	£487,457	£497,206.16	£507,150.28	£1,491,813
2400	Internal training	£1,000	£1,000	£1,000	£3,000
2403	External Training	£1,000	£1,000	£1,000	£3,000
5502	Equipment Purchase	£2,000	£2,000	£2,000	£6,000
7307	Other Support Services	£45,948	£45,948	£45,948	£137,844
		£1,102,165	£1,119,333	£1,140,721	£3,362,219

As the host borough of the service, Redbridge receives a recharge of £0.046m. The recharge forms part of the overall service budget, which they would not receive otherwise.

The full cost of the EDT service from 2023/26 will be £3.362m with partner contributions varying depending on proportion of service use.

Havering, used 27.89% of the service over the last 3 years. Basing the budget for the new contract on the 2022/23 usage we are likely to use 27.67% of the service. However, it has been agreed amongst partners that going forward the usage split will be reviewed at the end of each

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year (annually), and adjusted for the year ahead. Thus, if Havering's percentage of EDT contacts were to reduce, then the EDT budget would reduce the following year.

The anticipated cost to Havering of the duration of the contract 2023/26 will depend upon actual usage, however it is expected to be between £930k and £938k which will be met from the budget agreed as part of the annual budget process.

Table 1

Represents the cost if demand remains consistent with 2022/23 usage and we continue to have the same proportion of that demand.

Year	Total EDT Cost	% Charge to Havering	Cost to Havering
2023/24	£1,102,165.00	27.67%	£304,980.73
2024/25	£1,119,333.00	27.67%	£309,731.29
2025/26	£1,140,721.00	27.67%	£315,649.58
Total	£3,362,219.00	27.67%	£930,361.60

Table 2

Represents the cost if demand remains consistent with the 3 year period 2020-2023 and we continue to have to same proportion of that demand.

Year	Total EDT Cost	% Charge to Havering	Cost to Havering
2023/24	£1,102,165.00	27.89%	£307,357.08
2024/25	£1,119,333.00	27.89%	£312,144.66
2025/26	£1,140,721.00	27.89%	£318,109.06
Total	£3,362,219.00	27.89%	£937,610.81

The tables above represent the likely level of cost, with slight variations in Havering demand. Actual cost cannot be confirmed because it depends on levels of demand in each authority and will be reviewed annually.

Recommended Action

Approval for a 3 year shared services agreement of Children's EDT service until 31st March 2026.

Benefits

The key benefits with the current shared services agreement are as follows:

- The children's EDT service has delivered an effective and responsive service according to the service specification.
- There is strength from economies of scale by remaining with a four borough children's EDT service.
- There is already established children's social care expertise within the joint team and a bank of support workers who are familiar with the way the service operates in accordance with each borough's protocol.
- There will be continuity to support the business as usual for children's social services.

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OTHER OPTIONS CONSIDERED AND REJECTED

- 1. Option 1 – Provide In-house service:** If we were to try and do this we would have TUPE implications and it would be likely that costs of a single borough service would increase with no necessary increase in quality. It would also take a huge amount of resource to redesign, we may encounter employment issues, and there could be hidden cost that would make it prohibitive to do this, particularly in current organisational circumstances. This option could also deflect from resourcing the principle children's social care workforce, as well as impact on business continuity, therefore this option is not viable. Rejected.
- 2. Option 2 – Do nothing:** If we do nothing this option would result in vulnerable children and families being without care in the community. The local authority would not be able to meet their statutory responsibilities of providing an emergency social care crisis response for children outside normal office hours. Rejected.
- 3. Option 3 - Commission an Alternative Provider:** This option has been considered however there is not sufficient time to explore this option fully at this time, as a new contract was already agreed to in principle at EDT board level, but this will be explored further prior to any new contract in the future.

PRE-DECISION CONSULTATION

Consulted with Children's Services, Finance and other key stakeholders.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Laura Wheatley

Designation: Senior Commissioning & Project Manager

Signature: *LWheatley*

Date: 27/03/2023

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Under Section 17 of the Children's Act 1989, places a general duty on the Council to safeguard and promote the welfare of children within their area who are in need. This also includes promoting the upbringing of such children by their families by providing a range and level of services appropriate to those children's need.

Whilst the proposed value of the contract is above the relevant PCR 2015 threshold for light touch services, the proposed award of the contract is permitted under Regulation 12(7). Further the Local Government Act (Good and Services) 1970, permits the Council to enter into an agreement for the provision by another public authority for any administrative, professional or technical services. The above Discharge of functions of one authority and by another local authority is also permitted under Section 19 of the Local Government Act 2000.

The Council has the power to enter into this arrangement under s111 of the Local Government Act 1972 which permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Officers will also ensure that GDPR arrangements are covered in the arrangements including undertaking a Data Protection Impact Assessment to cover the risk of sharing any special category data as per the Data Protection Act 2018.

FINANCIAL IMPLICATIONS AND RISKS

The four-borough EDT budget for 2022/23 is £1.096m. Each partner pays a slightly different amount based on service use. Havering's estimated charge for 2022/23 is £304,000.

The total EDT budget for the period of the new contract and Havering's estimated contributions are shown in the table below.

Year	Total Cost £	% charged to Havering based on 22/23 forecast	Estimated Charge £	% charged to Havering based on 3 year average	Estimated Charge £
2023/24	1,102,165	27.67%	305,000	27.89%	307,000
2024/25	1,119,333	27.67%	310,000	27.89%	312,000
2025/26	1,140,721	27.67%	316,000	27.89%	318,000
Total	3,362,219		931,000		937,000

The full cost of the EDT service from 2023/26 will be £3.362m with partner contributions varying depending on proportion of service use.

As shown above, there has been little variation in the proportion of Havering referrals over the last 3 years, and if this was to remain at a similar level over the term of the new arrangement, the annual charge to LBH would be in the region of £305,000 to £307,000 in 2023/24, rising to £316,000 to £318,000 in 2025/26.

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It has been agreed amongst partners that going forward the usage spilt will be reviewed at the end of each year and adjusted for the year ahead. Thus, if Havering's percentage of EDT contacts was to change, the annual charge would increase or decrease accordingly.

As the charge is based on Havering's proportionate use of the contract, there is a risk that reduced use by the other members would increase Havering's share of the cost, and this would be something that Havering would not have any influence over.

It should be noted that the 2023/24 budget provision for the Children's Emergency Duty Team in Havering is £313,550, which in isolation would be expected to be sufficient for this contract. However a proportion of the costs for Havering's Corporate Out of Hours call centre contract are also charged against this budget, with a projected cost for 22/23 of £38,000. Therefore, the total of the EDT contract plus any recharge for out of hour's calls during the financial year, is likely to exceed the available budget.

Any overspend on this budget will need to be absorbed within other budgets held within the Children's Directorate.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council's workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- a) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- c) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The recommendations made in this report do not give rise to any identifiable Health and Wellbeing risks or implications that would affect either the Council or its workforce.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The recommendations made in this report do not give rise to any identifiable environmental implications.

BACKGROUND PAPERS

- Continuation of the 4 Borough Emergency Duty Team Service - LBR Report

APPENDICES

Appendix 1 – EDT Shared Service Agreement

Key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Name: Robert South

Head of Service title: Director of Children's Services

Date:27/03/2023

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____