

	Officer Key Decision 8 April 2024
	Report to the Corporate Director of Children and Young People
Authority To Invite Tenders for the Provision of Independent Reviewing Officers (IRO) For Children Looked After And Foster Carer Reviewing Officers (FCRO)	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	1: Equality Impact Assessment
Background Papers¹:	None
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1.0 Executive Summary

1.1 This report concerns the procurement and approval to invite tenders for a contract for the Provision of Independent Reviewing Officers (IRO) for Children Looked After and Foster Carer Reviewing Officers (FCRO) by Contract Standing Orders 88 and 89.

2.0 Recommendation(s)

That the Corporate Director of Children and Young People:

2.1 Approves inviting tenders for Provision of statutory Children Looked After Reviews - Independent Reviewing Officers and annual Foster Carer reviews on the basis of the pre-tender considerations set out in paragraph 4.16 of the report.

2.2 Approves officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in paragraph 4.16 of the report.

3.0 Contribution to Borough Plan Priorities and Strategic Context

3.1 The proposals in this report contribute to the following Borough Plan Priorities: Strategic Priority 1 – Prosperity and Stability in Brent; Strategic Priority 2 – Thriving Communities and Strategic Priority 3 – The Best Start in Life (Desired Outcome 2: Young People are Seen and Heard and Desired Outcome 1: Raised Aspirations, Achievement and Attainment). The primary responsibilities of the IROs will be to incorporate the thoughts and voice of the child in their care plan so they are able to contribute meaningfully to the co-design of their plan and scrutinise the progress of plans to ensure suitable arrangements for the child's current and long-term care are in place. The proposed service reviews targeted and achievable recommendations as part of children's care plan to enable positive outcomes, ensure they achieve well and have opportunities to change their lives for the better.

3.2 The service contributes to the strategic outcomes of other plans that focus on positive outcomes for vulnerable children and young people, including the Looked After Children and Care Leavers Placement Sufficiency Strategy 2020-24; the Brent SEND Strategy 2021-2025 and the Joint Health and Wellbeing Strategy: Tackling Health Inequalities 2022-2027. <https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies>

4. Background

4.1 Under the Children Act 1989, the Children and Young Persons Act 2008 and the Care Planning, Placement and Case Review Regulations (2010) and Guidance April 2011, Local Authorities are required to provide an Independent Reviewing Officer for each Looked After Child (LAC). The Council is also required to provide Foster Carer Reviewing Officers (FCRO). Officers have considered whether this can be provided by the Council itself but have concluded it is best provided by a contractor.

4.2 The National Independent Reviewing Officer (IRO) Handbook sets out the expectations of the role, which includes a regular review process and regular monitoring and follow-up between reviews. The Independent Reviewing Officer's (IRO) primary function is to act as a robust counterbalance to the Local Authority, by providing expert and independent quality assurance on the Local Authority's care planning and reviewing process for children and young people looked after by Brent. This duty is executed through highlighting when positive outcomes are achieved for the Children Looked After and challenging drift or delay in a child's care plan.

4.3 A crucial part of the role is to champion the voice of the child to contribute meaningfully to the co-design of their care plan, the IRO provides a highly

personalised service responding to their requests and needs. The IRO role also carries out quality assurance, working with social work teams and other multiagency practitioners giving advice, guidance and consultation about addressing effectively the health, educational and wellbeing needs of individual LAC, with a great awareness of the networks and systems the LAC is part of.

- 4.4 The Fostering Services (England) Regulations 2011 outline how fostering service providers must review the approval of each foster parent annually. The local authority, as the fostering service provider, must ensure these reviews of approval are sufficiently thorough to allow the fostering service to properly satisfy itself about the carers' ongoing suitability to foster.
- 4.5 The Foster Carer Reviewing Officer (FCRO) will conduct reviews with foster carers once a year, with a view to ascertaining their suitability and capacity to demonstrate competence in meeting the needs of Children Looked After, and in line with the Fostering Regulations and Fostering national minimum standards. At the conclusion of the review, the fostering service provider must prepare a written report, setting out whether the foster parents and their household continue to be suitable to foster parent, and whether the terms of the foster parent's approval continue to be appropriate.

Current position

- 4.6 The current delivery model is a mixture of both in-house and commissioned services consisting of two in-house IROs with the remaining service provision outsourced to Aidhour Limited. Aidhour have 11 to 13 IROs working on the Brent contract but not all of these IROs work solely for Brent. The current contract with Aidhour is for the provision of a combined Independent Review Service for Looked after Children and a Fostering Review Service. The contract commenced on 1 October 2020 for an initial three-year period with an option to extend by a further 12 months to 30 September 2024. The local authority has exercised the option to extend by a further 12 months to 30 September 2024.
- 4.7 As of 31 January 2024, the total number of Children Looked After was 299 of which 123 were placed in-borough and 176 were placed out-of-borough. On average 800 Children Looked After reviews are carried out each year and as of 31 January 2024, 212 reviews have been conducted by the two in-house IROs (28.6%) and 530 reviews (71.4%) by the Aidhour IROs. The IRO handbook states an IRO should have a caseload of no more than 70 cases – currently IROs in Brent have an average caseload of 55 to 60 cases.
- 4.8 As of 29 February 2024, the total number of current approved Brent Foster Carers is 86, of whom 52 live within the borough. Reviews take place once a year and monitor the implementation of Fostering Panel decisions and any review recommendations. They also draw the attention of managers to any areas of concern regarding practice, including non-compliance with agreed plans and legislation. On average 90 foster carer reviews are undertaken annually, 100%

of which are in-house but with a new revised foster offer intended to increase the number of Brent foster carers, this figure will rise.

4.9 There is a focus on the quality of provision of the current service provider which has been used to inform the development of the service specification. The Safeguarding and Quality Assurance Service Manager has identified the following improvements which have been captured in the new specification and some of the tender process quality questions. These reflect issues that are being raised with current IROs.

- Language used by IROs.
- The review being written up as a letter to the child which needs to be written in a child friendly way but also captures the vitals of a CLA review – all to be completed within statutory time frames.
- Regular midway reviews
- Footprints of the IRO on children's files
- More child centred/YP centred meetings with activities that are more meaningful to them.

4.10 Through feedback from an online questionnaire, 28 responses have been received to provide an evaluation of the quality of the fostering review service provided. Feedback on what would improve the review experience such as ensuring the provision of clear recommendations, quality feedback and accuracy of documentation has been incorporated into the service specification and quality questions.

Proposed delivery model

4.11 The Council's intention is to recruit to 2 further Independent Review Officers in-house to focus on the cohort of LAC aged under 16 and to outsource provision focused on reviews for those aged over 16, unaccompanied minors and foster carer reviews. Some capacity will also be included in the contract to enable cover for reviews conducted by in-house IROs, for example to cover long term sickness and this could not be covered in-house.

4.12 The number of reviews to be commissioned (based on current numbers) is 318 with the potential increase to 330 reviews annually for Children Looked After aged 16+. Currently there are 139 young people over the age of 16 (with projections for 260 reviews per year) and 49 current Unaccompanied Asylum-Seeking Children (with projections for around 90 reviews per year). This would leave 470 reviews (based on the average of 800 per year) to be completed by the 4 in-house IRO's (112 reviews each per year).

4.13 The expected number of foster carer reviews is expected to be 90 in year one and then increase by ten foster carer reviews in each respective year of the contract period. This increase will be dealt with by working closely with the supplier to determine how the additional reviews will be undertaken. The

Fostering Service have stated one FCRO will remain sufficient to meet the expected increase in the number of approved foster carers.

4.14 The estimated total value of the contract is £716k ex VAT over the total contract duration. The proposed contract term is 2 years plus two +1 year extensions (total 4 years). The proposed contract commencement date is 1 October 2024 to 31 September 2028.

4.15 The aims are that the IRO and FCRO contract:

- Conducts statutory reviews for children looked after and foster carers in line with best practice and agreed service standards.
- Listens and advocates for Brent Children Looked After (CLA)
- Empowers CLA to contribute meaningfully in the co-design of their care plans, using creative ways of engagement and participation.
- Keeps CLA at the centre of all decision making.
- Creates concise and high-quality written records of reviews that are accessible to CLA, their families and partner agencies.
- Fosters a continual cycle of service improvement through proactive feedback.
- Improves outcomes for CLA through robust care planning, alongside challenging and supporting practice and escalating concerns through appropriate channels when required.
- Makes recommendations and develops strategies to ensure the Local Authority can provide a consistent, targeted and coordinated response to the needs of CLA.
- Holds the Local Authority to account for their performance considering the legal responsibilities as a Corporate Parent and escalates concerns in line with the IRO handbook.
- Submits all appropriate documentation to the required standard and within statutory and locally agreed timeframes.
- Establishes and maintains effective lines of communication with all Brent staff members and partner agencies involved with CLA to ensure there is co-operation in providing appropriate and timely support.
- Ensures foster carer reviews provide a thorough analysis of carers' ongoing suitability to foster.
- Ensures foster carer reviews identify any areas where additional support is required to support the needs of children and young people, and actions are addressed in a timely manner.
- Provides robust review for Standards of Care and Serious Concern Fostering Reviews where necessary.
- Creates accurate, concise and high-quality written records of reviews with clear recommendations.
- Delivers an accessible, consistent and experienced workforce of social work professionals, who independently review CLA's care plans.
- Ensures all IRO's are experienced, well-trained and possess the cultural sensitivities to adapt their practice towards Brent's children, who may come from ethnic minority groups, socio-economically challenged backgrounds,

or may possess either diagnosed or undiagnosed physical/mental health difficulties.

Pre-tender Considerations

4.16 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the contract for Independent Reviewing Officers (IRO) and Foster Carer Reviewing Officers (FCRO) for Children Looked After (the "Contract") have been set out below for the approval of the Corporate Director:

Ref.	Requirement	Response	
(i)	The nature of the services / supplies / works.	Independent Reviewing Officers for Children Looked After (IRO) and Foster Carer Reviewing Officers (FCRO)	
(ii)	The estimated value.	£716,000.00 (ex VAT) £859,200.00 (Inc VAT)	
(iii)	The contract term.	2 years with the option to extend for two years, in 1-year extensions. (2 + 1 + 1)	
(iv)	The tender procedure to be adopted.	The Open procedure will be used for this requirement under the Light Touch Regime.	
v)	The procurement timetable.	Indicative dates are:	
		Adverts placed	22/04/2024
		Invite to tender	22/04/2024
		Deadline for tender submissions	23/05/2024
		Individual panel evaluation and group moderation	27/05/2024 -12/06/2024
		Report recommending Contract award circulated internally for comment	13/06/2024 - 28/06/2024
		Corporate Director approval	28/06/2024 - 05/07/2024
		Minimum 10 calendar day standstill period – notification issued to all tenderers and additional	05/07/2024 – 15/07/2024

Ref.	Requirement	Response
		debriefing of unsuccessful tenderers
		Contract Mobilisation 16/07/2024 – 30/09/2024
		Contract start date 01/10/2024
(vi)	The evaluation criteria and process.	<p>1. At selection stage shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a selection questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria: <i>50% Quality, 40% Price, 10% Social Value</i></p>
(vii)	Any business risks associated with entering the contract.	There are no specific business risks associated with entering into the proposed Contract. The report's proposal is to increase in-house capacity and therefore reduce a full dependence on the external provider. Like any other demand led service, there could be a risk of overspends. This will be monitored as part of the normal budget management arrangements of the department. The financial standing of the bidders will be reviewed as part of the procurement process.
(viii)	The Council's Best Value duties.	The Council will be awarding the Contract to the Most Economically Advantageous Tender (MEAT)
(ix)	Consideration of Public Services (Social Value) Act 2012	The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and social value forms 10% of the evaluation score.
(x)	Any staffing implications, including TUPE and pensions.	See section 9 below.
(xi)	The relevant financial, legal and other considerations.	See Financial Considerations at Sections 5 and Legal Considerations at Section 6 below.

Ref.	Requirement	Response
(xii)	Sustainability	<i>None</i>
(xiii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators / required outcomes will be included in the Contract.
(xiv)	London Living Wage	The Contract will require the payment of the London Living Wage
(xv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the Contract.

5.0 Stakeholder and ward member consultation and engagement

- 5.1 Consultation has been undertaken with internal stakeholders across Children and Young People, with Care in Action, Foster Carers Forum, Independent Reviewing Officers and Social Workers.
- 5.2 Children and young people and a Foster Carer will be trained to contribute in how to provide feedback to specific questions in the tender. They can provide feedback on tenders and propose a suggested score which will be independently reviewed by each member of the evaluation panel. The final score will be determined by the Council evaluation panel.
- 5.3 A market engagement event was held on 8 March 2024 with 11 providers registered and 8 attending, some of whom appeared to be new to the market. There was initial interest expressed by many who attended, but how this then translates into physical interest will only be known once the tender goes live.
- 5.4 As this service affects all wards, there has not been separate or specific consultation with ward members.

6.0 Financial Considerations

- 6.1 The estimated annual value of this Contract is £179k excluding VAT and £214,800 including VAT.
- 6.2 It is anticipated the cost of the total duration of the Contract will be funded from existing budgets. With the introduction of the changes to the delivery model proposed in this report, it is expected that fewer reviews will need to be taken from the external provider as internal capacity will increase and the contract budget has been adjusted accordingly. However, this will need to be tracked closely and any increase in the number of reviews escalated swiftly.
- 6.3 The net impact of the proposed changes to the delivery model in the budget is a pressure of £97k per year. Growth will be provided from Children and Young People's departmental following agreement.

7.0 Legal Considerations

- 7.1 The estimated value of the proposed Contract is above the threshold for Services under the Public Procurement Regulations 2015 (the “PCR 2015”) and the procurement is therefore governed by the PCR 2015.
- 7.2 The procurement is subject to the Council’s own Standing Orders and Financial Regulations in respect of Medium Value Contracts given procurement is valued at £716k excluding VAT. For Medium Value Contracts, the Corporate Director must approve the pre-tender considerations set out in paragraph 3.17 above (Standing Order 89) and the inviting of tenders (Standing Order 88).
- 7.3 Once the tendering process is undertaken, Officers will report back to the Corporate Director in accordance with Contract Standing Orders, explaining the process undertaken in tendering the Contract and recommending award.
- 7.4 As this procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar day standstill period imposed by the PCR 2015 before the Contract can be awarded. The requirements include notifying all tenderers in writing of the Council’s decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council’s award decision if such challenge is justifiable. However, if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the Contract may commence.
- 7.5 There are no TUPE or human rights implications arising from the decision to be made arising from this report.

8.0 Equity, Diversity and Inclusion (EDI) Considerations

- 8.1 Pursuant to s149 Equality Act 2010 (the “Public Sector Equality Duty”), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 8.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 8.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 8.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 8.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

9.0 Climate Change and Environmental Considerations

- 9.1 The re-tendering of this services does not directly impact on the Council's environmental objectives and climate emergency strategy.
- 9.2. The workforce provided by this contract will be encouraged to follow Brent's cleaner, more considerate Brent approach as set out in the borough plan and use sustainable modes of transport for reviews.

10.0 Human Resources/Property Considerations

- 10.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from re-tendering the contract.
- 10.2. There are no property considerations arising from re-tendering the contract.

11.0 Communication Considerations

- 11.1 Once the tendering process is completed, information about the successful bidder will be communicated to relevant stakeholders.

Report sign off:

Nigel Chapman
Corporate Director Children and Young People