

Argyll and Bute

Children's Services

Commissioning Plan

2020 - 2023



Contents

1. Introduction
2. What is Joint Commissioning?
3. Investment in Children's Services
4. Children's Services Plan 2020-23
5. Procurement of Services
6. Monitoring and Reporting Arrangements

Appendices

1. Children's Services Planning Structure
2. Children and Young People's Service's Joint Commissioning Action Plan
3. Procurement: Key Legislation

1. Introduction

This Plan supports the Children and Young People's Service Plan (CYPSP) 2020 - 23 which outlines our overarching ambition and priorities for children and young people in Argyll and Bute. It is also integral to the outcomes of the other Plans which are shown in Appendix 1

The key purpose of this document is to ensure a shared understanding of the way in which our partner agencies will work together to commission the services that are needed to fulfil the priorities identified in the Children and Young People's Service Plan and to ensure effective implementation of these priorities.

The Children's Services Commissioning Plan sets out Argyll and Bute's Children Strategic Groups proposal to commission services for children and young people based on the Joint Strategic Needs Assessment (JSNA), the integrated SALSUS/Mental health and well-being survey and actions identified in the CYPSP 2020 - 23.

This Commissioning Plan relates to services delivered for children, young people and their families by the third and independent sectors, Argyll and Bute Council, Argyll and Bute Health and Social Care Partnership (HSCP) and NHS Highland.

The Plan describes the support to be provided to children and young people in Argyll and Bute from birth to 18 years. It provides the strategic overview and properties which will influence the commissioning of services in the future.

The main objectives of this Commissioning Plan are to:

- Identify the resources available to services and relate this to the needs of children and young people in Argyll and Bute
- Address the priorities identified in the Children and Young People's Service Plan and other strategic plans
- Ensure sound governance of resources is in place
- Provide a coherent approach to selecting and prioritising investment and disinvestment decisions, linked to budgetary processes and planning cycles
- Establish a clear recording and measurement framework to assess if the aims are being achieved
- Increase the shift of resources towards prevention and early help and support in the early years to avoid negative outcomes in later life

Argyll and Bute's Children Strategic Partnership approved the Plan in December 2020.

Governance

Argyll and Bute's Children Strategic Group is the partnership group with responsibility for this Commissioning Plan. It informs the Community Planning Partnership (CPP) and provides the leadership in the delivery of our vision to make Argyll and Bute the best place to grow up.

Argyll and Bute's Children Strategic Group has a remit to develop a Children's Services Commissioning plan to describe its arrangements for commissioning other providers to deliver children's services.

Argyll and Bute's Children Strategic Group comprises representatives of:

- Argyll and Bute Council
- Argyll and Bute Health and Social Care Partnership
- NHS Highland
- Police Scotland
- Voluntary Sector
- Scottish Children's Reporters Administration
- Live Argyll

A chart showing the governance arrangements for children's services is attached at Appendix 1. Argyll and Bute Children's Services Planning Structures: June 2020

2. What is Joint Commissioning?

Joint commissioning is a broad process for deciding how to use the resources available from a range of services, including education, health and social care, in order to meet the needs of children, young people and their families and improve outcomes. It is a way of bringing together partners and expertise and building trust. Effective joint commissioning should generate efficiencies and value for money and enable partners to:

- Agree local priorities – linking with and informing the Children and Young People's Service Plan
- Have a shared understanding of the range and effectiveness of current service provision across public, private and voluntary/community sectors
- To achieve a shared understanding of the current gaps in service provision, including areas that need to be developed in order to meet local needs

The needs and priorities of children, young people and their families are constantly changing and, as such we need to ensure that our joint commissioning process is able to cope with those changes. We will make sure this happens by ensuring joint commissioning is undertaken as part of a cycle, enabling us to keep up-to-date with current needs, areas of good practice and also those areas where we need to change things.

The Children and Young People Scotland (2014) Act sets out a range of changes in relation to Children's Services and, in particular, to commissioning at all levels in order to create a more joined-up and holistic approach to meeting children and young people's needs.

Commissioning happens at three levels:

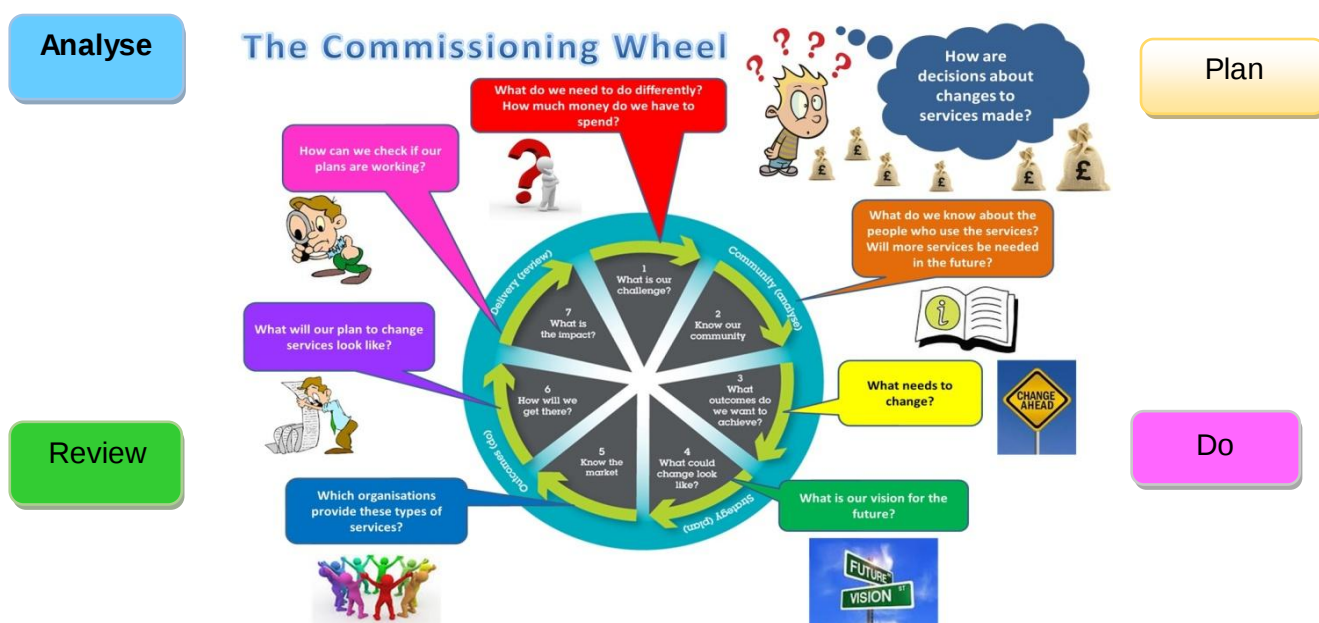
- Strategic commissioning – Strategic plans are developed with partners outlining needs of children, young people and their families, agreeing how those needs can be met through commissioning of current and/or new services
- Operational/community/targeted commissioning – Commissioning Teams or Panels discuss the needs of individual or groups of children, young people and their families in order to commission services to meet those needs
- Individual commissioning – personal budgets

An Integrated Approach to Joint Commissioning

Effective partnership commissioning has a key role to play in achieving our vision of making Argyll and Bute the best place to grow up. It involves considering the evidence of whether a programme has previously been found to be effective, implementation capability and cost benefit analysis. It is important to use a strong evidence base to inform spending decisions and also to share innovation and practice.

Commissioning cycle

The essential elements of effective and efficient planning are illustrated in the Strategic Commissioning Cycle. Most models of commissioning emphasise its cyclical nature plan, do, review, analyse.



- **Plan** - undertaking a gap analysis, designing services and joint commissioning activity
- **Do** - managing the balance of services, developing good relationships with providers, ensuring there are quality services
- **Review** - the success of the plan in meeting the needs of the children and young people
- **Analysis** – of guidance, best practice, needs, risks and resources, leading to establishment of universal and joined up service priorities between agencies.

Needs and priorities for children and young people

The Plan was developed in an innovative and multi-agency way, recognising the vital contribution that partnership working between organisations makes in improving outcomes for children and young people.

The needs of the Argyll and Bute children and young people were identified through the Joint Strategic Needs Assessment (JSNA) and the SALSUS and well-being Survey. This was used to develop the priorities identified in the Commissioning Plan, these include to:

- Improve collaborative decision making through the GIRFEC collective leadership
- Improve how we access early help and support for our children and young people
- Improve how we engage and work with children and young people
- Improve how we support children and young people to improve their mental health and wellbeing

Children and Young People have identified mental health and well-being as a top priority and this has been reflected in our own strategic priorities. To identify improvements we need to work together with those who use services, or might use them in future, to design solutions. This might be a new service or something entirely different we would have not thought of on our own, like community based mental health and well-being services.

Today's children are Argyll and Bute's future and we want them to grow up to be healthy, happy adults, able to live full lives and contribute to their local communities. So hearing the voices of children and young people is vital in everything we do. The commissioning wheel sets out some of the ways we can further include input from children and young people and allow them to participate in the commissioning of services.

When we have designed the service we need to have input on how and where it should be delivered so it is accessible and delivered by people who steeped in the GIRFEC approach to delivering services - placing children and young people at the centre. This could involve, for example, potential providers making presentations to groups of young people who can rate their approaches.

We also need the involvement of young people in the setting up and ongoing delivery of services – for example the Young People's Advisory Group could make sure the service is delivering what service users want. We also need the input from as many service users as possible to understand whether the service is continuing to be relevant, effective and responsible to help make sure its working.

The Action Plan in appendix 2 identifies how services will deliver the priorities.

Commissioning and Procurement

There is often confusion around the difference between commissioning and procurement.

Commissioning is the entire cycle of assessing the needs of people in a local area, designing relevant services and then securing them. The cycle includes a range of activities to ensure that any commissioned services are meeting identified needs and securing the desired outcomes.

Procurement is the full range of activities related to purchasing goods, services and works and can range from contracting for an entire service to purchasing small assets such as office equipment. The procurement process does not end at the commissioning or contract award stage, but spans the entire life cycle of the product or service from inception and design through to contract management and disposal of any redundant assets.

3. Investment in Children's Services

It is critical that children's service spending helps to give children and young people the best start in life.

External and internal funding of services

Spending by services is split into:

External – funding paid to external providers in the third and independent sector to deliver services e.g. to provide residential care for children or nursery places

Internal – funding to provide services directly

Early help and support

This funding has also been reviewed to determine if this was spent on services for:

- All children and young people (universal)
- Early intervention and prevention

Budgets and Budget Pressures

We need to be clear how joint commissioning will support each level of commissioning.

To do this, we will continue to:

- Identify the budgets available from education, health and social care
- Work with parents/carers, professionals and providers to determine what services are needed
- Develop a robust and transparent resource allocation system so that parents/carers and young people know how decisions about funding are made in terms of all budgets

- Ensure relevant information is available for parents/carers and young people in a range of formats to enable them to make informed decisions about budgets.

Preparing for Adulthood

Education and Youth Employment

The Education budget pressures are due to:

- Expansion of 1140 hours for pre-school children by 2020. Added hours are to be provided by early years centres and nurseries. This has implications for the recruitment of early years practitioners and for new accommodation required
- Private nursery provision and fair working practice, including living wage, implications
- Additional Support Needs (ASN) response hours (early intervention for children and young people with behavioural difficulties in mainstream school)
- Supply cover for teachers

Argyll and Bute Health and Social Care Partnership

The Health and Social Care Partnership has recognised pressures on its budgets due to increasing costs of:

- Kinship care
- Children with disabilities
- Fair working practice, including living wage, implications

Services are addressing these pressures during 2019/20 to ensure that their impact on any overspends are minimised. Significant budget savings also require to be achieved over the next two years through the Partnership and the Council's transformation programmes.

Other funding sources

4. Children's Services plan 2020 – 23

The Children's Services Plan contains strategic priorities which are the key developmental outcomes Argyll and Bute's Children Strategic Group intends to address over the next three years.

These are to:

- Improve how children and young people engage with school
- Help children and young people to keep fit and be at a healthy weight
- Reduce smoking, drinking and taking substances at an early age
- Support children and young people's social and emotional development

An Action Plan is appended to this Plan detailing the actions to deliver on commitments.

5. Procurement of Services

- 5.1. Under direction of the Partnership, a variety of health and social care services in Argyll and Bute are procured by either Argyll and Bute Council or NHS Highland. The process is aligned to both partner organisations procurement strategy.
- 5.2. Argyll and Bute Council Procurement Strategy and other associated documents are available on: <https://www.argyll-bute.gov.uk/business-and-trade/procurement-useful-links-and-documents>
- 5.3. Types of contract

There are various types of contractual arrangements that could be used to facilitate the delivery of services. The most appropriate arrangement for any particular service will be decided as part of a sourcing strategy. The following are some examples:

Contract Type	Definition
Framework Agreements	Established following a procurement process, a Framework is an agreement between one or more organisations and usually sets out the terms for which repeat purchases can be made. The total volume of services or good is often unknown but the terms of individual purchases (e.g. pricing; specification of goods/services etc) is set out in the framework. When a purchase is made on a framework, it is often referred to as a 'call-off'. The term 'spot purchase' is also often used to describe a framework agreement.
Collaborative Agreement	Established following a procurement process, a collaborative agreement is a contract or framework that has more than one buyer. This is beneficial where there is commonality between the buyers and where the market is appropriately placed to meet their needs. Collaborative agreements can be more attractive to buyers and suppliers alike because of economies of scale. This type of contract can be developed by 2 or more authorities working together but it is often lead by a central, national body on behalf of other public sector buyers – for example, Scotland Excel or Scottish Procurement. The contracts that have been put in place by these organisations recognise that many are buying the same goods and services. An example of this lead by Scotland Excel is the contract for 'Residential Care and Education Services to children and young people'.
Grants	Payments made by the HSCP to Third Sector Organisations to support their activities, an example of this could be one-off funding for the delivery of a community event or other time limited activity that the partnership values but that would not be viable without this funding. Grants should be allocated following a proportionate grant

	application/approval process.
Contracts for services/Supplies	Established following a procurement process, a contract for services or supplies is an arrangement between 2 or more parties for the delivery of specified services/goods under set terms and conditions and in return for the agreed price. Unlike a framework agreement, the volume of goods/services purchased and consequently the value of the contract is fixed.

5.4. Key contracts

The following list is not exhaustive but it includes the key areas where services are delivered as part of a contract.

Education

Contract description	Provision of Early Learning and Childcare (ELC) Services This contract covers funded ELC services provided by nurseries and by childminders – funded ELC is the free hours of childcare that are available to all parents of children that are 3 or 4 years old (and 2 years old in some circumstances) and Community Childminding Services provided to vulnerable children under the age of 5
Providers	There are currently 53 contracted providers of ELC services. The profile of providers is a mix of private and third sector Early Learning Centres and Registered Childminders
Additional Information	New providers can apply to be accepted as an ELC contracted provider at any time. There is fixed rate of pay for all providers and placements are determined by demand and not guaranteed

Children and Families

Contract description	Provision of Services to Children with Disabilities These contracts cover a range of services that are aimed at supporting children/young people with disabilities and their families
Providers	There are 2 contracted providers for services to Children with Disabilities in Argyll and Bute
Additional Information	A sourcing strategy is in development for the future purchasing of these services

Contract description	Provision of Advocacy Services to Children and Young People (Child Protection) This contract is for the provision of advocacy to Children and young people aged 5 to 16 years, who are involved in Child Protection Procedures, and are on the Child Protection Register
Providers	There is currently 1 contracted provider

Contract description	Provision of Advocacy Services to Children and Young People (for Children who are Looked After) This contract is for the provision of Individual and Collective Advocacy Services to Children and Young People who have been Looked After and Accommodated
Providers	There is currently 1 contracted provider

Contract description	Children's Residential Care and Education Services including Short Breaks This contract covers – Residential Care; Residential Care and Education combined; Short Breaks; Day Education
Providers	There is currently 1 contracted provider and a number of providers in other areas
Additional Information	These services are contracted on behalf of the HSCP by Scotland Excel

Contract description	Fostering and Continuing Care Services This contract cover foster placements for children/young people and continuing care where the young person opts to stay with the foster carer from the age of 16
Providers	There are 14 providers contracted on behalf of the HSCP by Scotland Excel

Contract description	Secure Care Services Secure Care Accommodation services are for the purpose of providing intensive support and safe boundaries for children under the age of 18
Providers	There are 4 providers contracted on behalf of the HSCP by Scotland Excel

Contract description	Provision of Support to Carers (including Young Carers) These contracts are for the purpose of providing a range of
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	support services to carers as described in the Carers (Scotland) Act 2016
Providers	There are 4 providers contracted on behalf of the HSCP by Scotland Excel
Additional Information	Services to Young Carers is part of a wider contract for Carer Support which includes Adult Services

Preparing for Adulthood

In addition to the Children and Young Person Scotland (2014) 2014 places specific duties on local authorities, to support people to move from children's services to adult care and support services.

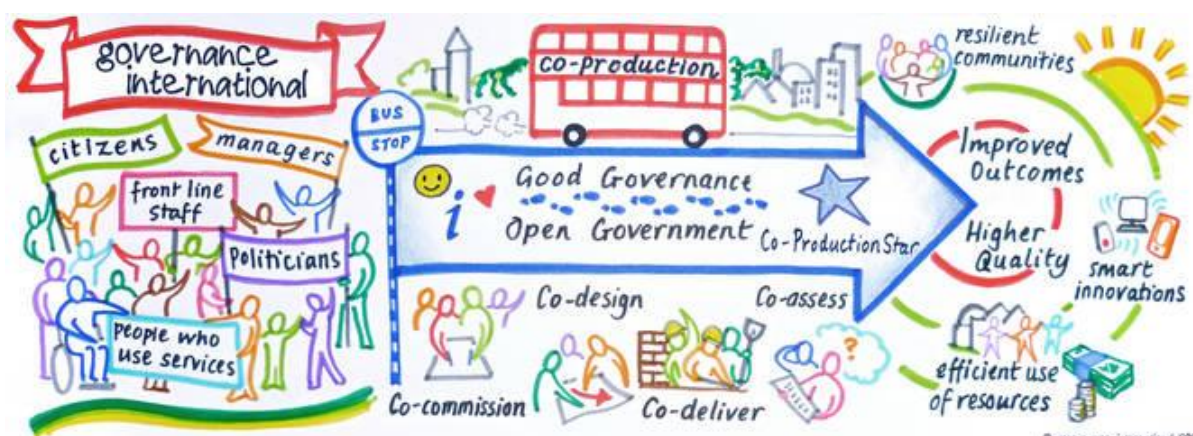
A successful transition into adult care and support services requires the young people, their families and professionals to work together to ensure an outcome-focused and person-centred approach for assessment, planning and support, alongside a GIRFEC multi-agency approach to planning and commissioning services.

Co-production

Co-production is a term used to describe people who deliver services and people who use these services working collaboratively together in order to achieve better outcomes in local communities, for example **doing with, rather than doing to**. In addition to commissioning services directly, there is a responsibility for agencies to adopt principles of co-production to enable communities to realise the level of community based support they aspire to.

In short, co-production can promote good relations across our communities and ensure that services delivered are relevant to the needs of our communities. Co-production can take place at different levels and includes:

- **Co-design** – working together to develop plans for new services
- **Co-deliver** – working together to implement services
- **Co-assess** – working together to evaluate the effectiveness of services
- **Co-commission** – working together to develop commissioning plans and procure services



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The legislative landscape in Scotland is supportive of empowering communities. This has evolved during the current decade with the publication of the Christie Commission review of public services in Scotland in 2011¹ and in the implementation of the Community Empowerment (Scotland) Act 2015² and The Public Sector (Joint Working) (Scotland) Act 2014³.

More information on co-production is available on:

<http://www.coproductionsotland.org.uk/learning/section/guides/>

6. Monitoring and reporting arrangements

The CYPSP 2020 – 23 includes a performance and improvement strategy as a tool to identify areas where performance is progressing or of concern. Argyll and Bute's Children Strategic Group regularly monitors the progress against the strategic priorities:

- GIRFEC Leadership and Communication
- Early help and support
- Mental health and well-being
- Children and Young People's Voice

In addition to working towards the indicators under the above priority outcomes, services that have been jointly commissioned will be monitored and evaluated against the outcomes specified in their contract. This will inform the ongoing analysis of the needs of children, young people and families in Argyll and Bute which forms the joint commissioning cycle.

¹ Christie, C. (2011). 'Commission on the Future Delivery of Public Services'. Scottish Government. <http://www.gov.scot/Publications/2011/06/27154527/18>

² Scottish Government (2015). 'Community Empowerment (Scotland) Act 2015'. <https://www.gov.scot/policies/community-empowerment/>

³ Scottish Government (2014). 'Public Sector (Joint Working) (Scotland) Act 2014'. http://www.legislation.gov.uk/asp/2014/9/pdfs/asp_20140009_en.pdf

Children's Services Commissioning Plan

Argyll and Bute's Children and Young People's Service Plan (CYPSP) 2020 – 23 describes how children and young people's outcomes will be improved.

This Commissioning Plan provides further detail on the services being provided. This plan underpins the CYPSP 2020 – 23.

Progress in implementing this plan needs to be monitored and measured against the outcomes in the CYPSP 2020 – 23.

The performance and improvement framework will assist in measuring performance, along with the individual monitoring arrangements established for each service commissioned. This commissioning activity will assist the Children's Services Strategic Group in achieving its vision of making Argyll and Bute the best place to grow up.

Appendix 1

Action Plan

1. Plan

- Co-produce strategic, operational and individual commissioning plans with children, young people and their families
- Develop a position statement which is clear to the provider and potential future commissioning intentions
- Consider longer term planning decisions and any investment to save possibilities making investment decisions and reviewing services as appropriate
- Agree the core, essential and desirable outcomes providers are expected to deliver for any commissioned service for children and young people
- Ensure the most effective and proportionate approaches are taken to meet the desired outcomes including the actual procurement and monitoring requirements relating to service specifications

4. Analyse

- Understand current commissioned services arrangements and how user feedback is gathered
- Use quantitative and qualitative needs analysis to identify current, future and unmet needs of children and young and their families and to understand what is important to children, young people and their families
- Develop ways of gathering more informative commissioning intelligence across partners, including JSNA, by actively sharing information and working to fill in information gaps
- Identify gaps in service provision
- Understand the needs of the staff in relation to commissioning

Children and Young People's Services Joint Commissioning Action Plan

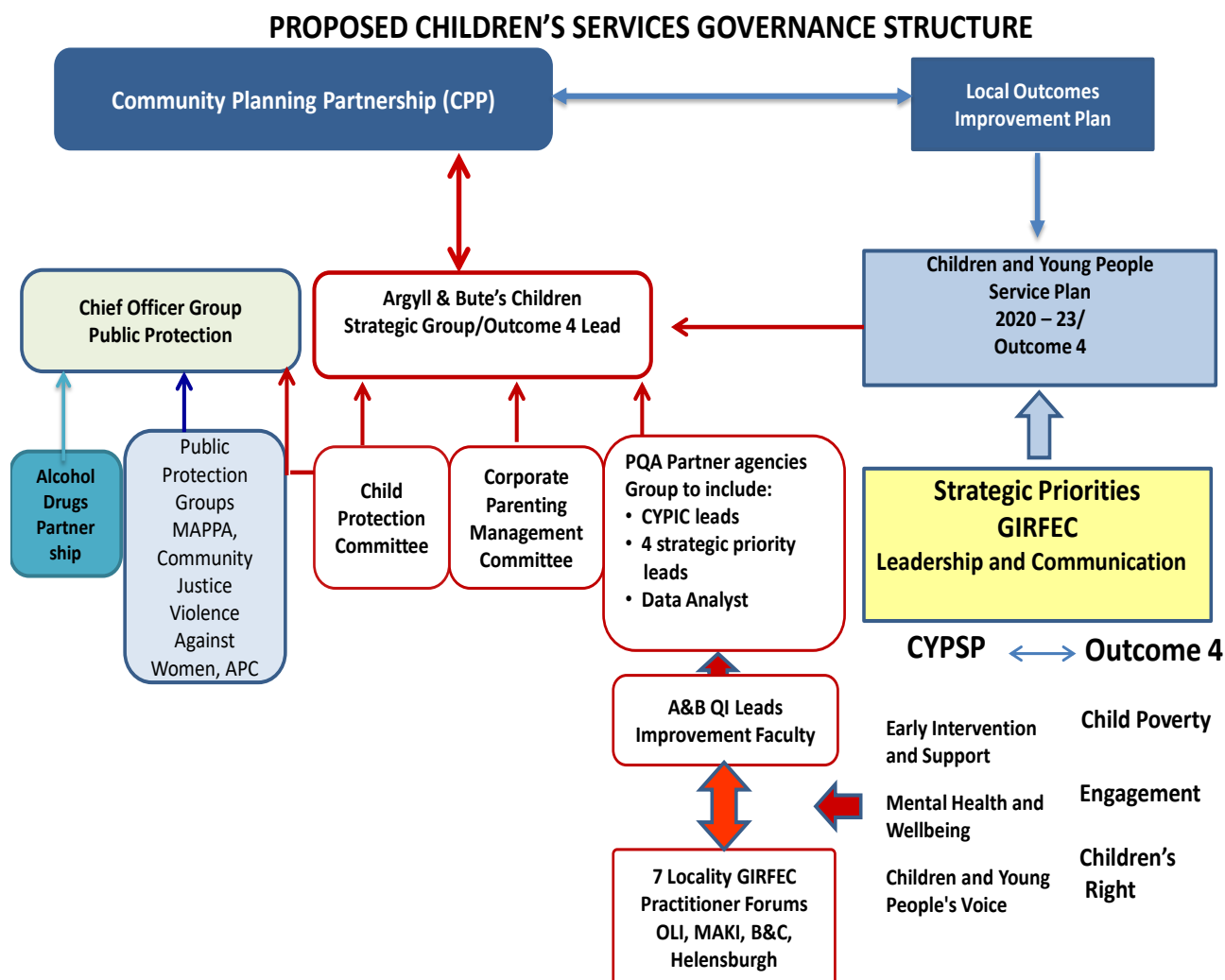
3. Do

- Where possible, enable children, young people and their families to have control and choice relating to the support and services they receive
- Develop a resource allocation system which provides transparency and equity in terms of decisions about the allocation of personal budget
- Provide a transparent basis for commissioning decisions
- Construct a shared monitoring and performance management framework

4. Review

- Work with children, young people and their families to review services, capturing learning from existing work and developing future processes
- Jointly monitor service delivery against expected outcomes
- Use feedback as part of our joint approach to reviewing the effectiveness of the services provided
- Review and monitor staff awareness in relation to commissioning

Appendix 2 Children's Services Planning Structure



Appendix 3 Procurement: Key legislation

Public sector spending is governed by a legal framework which includes foundational principles deriving from the Treaty on the Functioning of the European Union (TFEU), European Procurement Directives, other national legislation, Court of Justice of the European Union and national case law.

The Procurement Reform (Scotland) Act 2014 provides a national legislative framework for sustainable public procurement that supports Scotland's economic growth through improved procurement practice. The EU Procurement Directives contribute to the Europe 2020 ten Year Growth Strategy as well as ensuring that public purchases are made in a transparent and fair manner. As a whole, both the Act and the Directives provide the statutory foundation for the Scottish Model of Procurement; which simplifies, standardises and streamlines procedures for both businesses and public bodies and places sustainable and socially responsible purchasing at the heart of the process.

The Local Government in Scotland Act 2003 requires local authorities to secure 'best value' in the performance of its functions.

With public sector finances continuing to be constrained, public procurement needs to deliver savings and benefits that will enable public services to continue to meet the demands on them.

The procurement landscape in Scotland has undergone significant development in the past ten years. Changes to public procurement rules in Scotland arising from EU Directives and The Procurement Reform (Scotland) Act 2014 can be found at www.gov.scot/Resource/0049/00491506.pdf.



Buying social and other specific services is a complex area. It requires special consideration within a public body's overall approach to the procurement of goods, works and services. This is because these services can have a big impact on the quality of life and health of service users. Also, more and more of these services are now being personalised to better match individual needs.

The procurement route which public bodies will adopt is dependent on the balance of the costs, risks and value of the contract over its lifetime. Details of thresholds and options available for purchase of all services excluding social care can be found at <http://www.gov.scot/Topics/Government/Procurement>.

Human rights and equality legislation

Public bodies should apply the human rights principles of fairness, quality, respect and autonomy where procuring care and support services. Individuals should be free to control their own lives and to make properly informed choices. That includes being able to participate effectively where decisions are made by a public body which impact upon their rights. The needs and rights of carers and families must be similarly recognised and respected. Public

bodies must provide appropriate information and assistance and these considerations apply whether services are delivered directly, or are procured, from third parties. The public sector equality duty set out in the Equality Act 2010 requires public bodies to assess new or revised policies and practices on people with different protected characteristics, taking into account the three needs of the public sector equality duty - to eliminate discrimination; advance equality of opportunity; and foster good relations between people with different protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 require that where a public service proposes to enter into a relevant agreement on the basis of an offer which is the most economically advantageous, it must have due regard to whether the award criteria should include considerations to enable it to better perform the equality duty.

The Scottish Government guidance on Addressing Fair Work Practices, including the Living Wage, in Procurement is particularly relevant where the quality of the service being delivered is directly affected by the quality of the workforce engaged in the contract. Public bodies must ensure that when procuring care and support services they take account of the importance of a skilled and competent workforce in delivering positive outcomes for people who use services.

Public bodies should be mindful of their responsibilities in relation to the United Nations Convention on the Rights of the Child (UNCRC) and of the specific duties under section 2 of the Children and Young People (Scotland) Act 2014 in relation to the UNCRC to be commenced in April 2017. The fact that a service is carried out under contract does not remove the requirement for a public body to respect, protect and promote human rights. As part of that it must ensure that all service providers working on its behalf have clear and effective policies and procedures which will enable it to safeguard and uphold human rights.

Self Directed Support for children and young people

Self Directed Support (SDS) provides the opportunity for people, including young people, and carers to move from being recipients of services and support, to "individual commissioners" who tailor the support they require.

The definition of a "child in need" is fairly broad. It includes children under the age of 18 who have a disability, children affected adversely by the disability of any other person in the family and children whose health or development may be impaired or may fall below a reasonable standard without services from the local authority. In summary, a child is in need if he or she is in need of care and attention because:

- He or she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintain, a reasonable standard of health or development unless the local authority provides services under Part 11 of the Children (Scotland) Act 1995
- His or her health or development is likely significantly to be impaired, unless such services are provided

- He or she is disabled
- He or she is affected adversely by the disability or any other person in his or her family

The Self Directed Support Act 2013, reinforces the principles and values that underpin work with children in need and their families under Sections 22 and 23 of the Children (Scotland) 1995 Act i.e. participation, dignity, involvement, informed choice, and collaboration.

This Act supports the policy values of respect, fairness, independence, freedom, safety and therefore sits comfortably with children's legislation.

When can a child or young person make decisions about their support?

A young person over 16 has the right to make decisions about their own support, unless questions of capacity have been identified - in which case they should be encouraged to contribute their view as much as possible.

Below the age of 16, the person with responsibility for the child or young person should normally be involved in decisions about the child or young person's welfare and support. A child or young person's age and maturity needs to be taken into consideration. A child or young person aged 12 or over is presumed to be of sufficient age and maturity to express a view.

The Self Directed Support Act 2013 and GIRFEC

The Act affects the way that particular forms of support for children, young persons and families. In particular, it provides the opportunity for children and families to take greater control over their support provided to them.

Local authorities should take steps to integrate its approach to SDS with its implementation of GIRFEC. In particular, the authority should consider the impact of the 2013 Act duties will have on its approach to Named Person and Child's Planning, For example: The authority should ensure that its education function is helping families with local protocols and procedures relating to the provision of social care and support for them. This should include recognition of the duties imposed on the authority by the 2013 Act, the potential benefits to children that may arise from the options provided under the 2013 Act and the values, principles and practice associated with self-directed support.

The authority should ensure that the relevant senior managers and professionals are made aware of the duties and powers under social care legislation, in particular the 2013 Act's duties to offer choices in relation to the child's care and support.

The authority's policies and procedures in relation to the development of single plans for children should take account of its duties under the 2013 Act.