



7th March 2022

Agenda Item: 10

REPORT OF THE SERVICE DIRECTOR, YOUTH, FAMILIES AND SOCIAL WORK

NEURODEVELOPMENTAL BEHAVIOURAL SUPPORT SERVICE

Purpose of the Report

1. To seek approval for the TUPE (Transfer of Undertakings (Protection of Employment)) Transfer of Family Action Staff, who are engaged in delivering the activities prescribed in the contract to deliver the Small Steps Early Neurodevelopmental Behaviour Service, into the Local Authority Children's Services. TUPE Transfer will be undertaken on the basis of the eligible employees' existing terms and conditions.
2. This report also seeks approval to establish 3.0 fte Parent and Family Worker (Grade 5) posts, temporary until March 2024. These posts will be based within the existing Family and Parenting teams in the Family Service to provide additional capacity to deliver graduated family and parenting interventions for families where children present with behaviours indicative of a neurodevelopmental needs.

Information

Background

3. At the January 2022 meeting of Children and Young People's Committee approval was given for Local Authority Children's Services to enter into a formal arrangement with the Nottingham and Nottinghamshire Clinical Commissioning Group to plan for and take on the delivery of the early neurodevelopmental behaviour support service for children aged 0-18 in Nottinghamshire (excluding Bassetlaw which currently has separate arrangements). The service is currently delivered by Family Action who, as reported in the report to Committee in January, have been struggling to successfully scale up the service to meet demand. This has resulted in a backlog and a significant waiting list.
4. In the January 2022 Committee report it was agreed that officers would provide an update in relation to proposed structures and TUPE transfer implications having had time to consult with Family Action in more detail, and with our own Local Authority corporate HR and Legal Services.

5. Corporate legal and HR advice has confirmed that TUPE transfer will apply for staff within Family Action whose job role delivers the activities outlined within Family Action's contract with the clinical commissioning group to deliver an early neurodevelopmental behaviour service. Children's services have begun initial discussions with Family Action to work through the detail and any TUPE transfer implications, taking into account their current staffing structure and any contractual considerations that we need to be aware of for relevant or eligible Family Action employees transferring to the County Council.
6. Based on information provided to the Local Authority's Children's Services by the current service provider, it is now clear that their team and service structure includes a wider range of roles and grades than initially anticipated. These include roles at Senior Practitioner level, Family Support and administration levels. There is no natural alignment with the established team and role structure in place within the Local Authority Early Help services. In addition, at this very early stage, Local Authority Children's Services have not been able to assess whether the current Small Steps team structure in place to deliver the early neurodevelopmental behaviour service is fit for purpose.
7. Transferring relevant/eligible Family Action employees into the Local Authority and onto County Council terms and conditions immediately may also be risky and open to challenge if we are not able to demonstrate that there is a robust economic, technical and organisational rationale for doing so. Therefore, following advice from corporate HR and Legal Services, this report seeks approval that TUPE transfer of eligible Family Action employees will be on the basis of their existing terms and conditions. At the point of transfer, relevant/eligible employees will remain on their existing Family Action Job Descriptions.
8. Children's Services believe that there will be opportunities following TUPE transfer to achieve additional operational and structural integration with Local Authority structures, terms and conditions and job roles once there has been time to properly assess the team structure inherited from Family Action. This includes the potential for further integration with the existing locality Early Help team structures and increased alignment with the graduated family and parenting interventions offer. Following the transfer of the service in June 2022, Children's Services will undertake a review of the team structure inherited from Family Action to determine whether it is fit for purpose to deliver the early neurodevelopmental behaviour service. Within 3-6 months of transfer it is anticipated that there will be a further report as appropriate with recommendations for restructuring the team.
9. Work will begin immediately with Family Action, Public Health, Nottingham and Nottinghamshire Clinical Commissioning Group and other stakeholders to review the current systems and processes for delivering the early neurodevelopmental behaviour service with the intention to identify efficiencies, opportunities for integration with wider Early Help services and areas which can be streamlined.
10. The report also seeks to establish 3 fte Parent and Family Worker (Grade 5) posts, temporary until March 2024. In view of the very significant challenges facing the existing service provider, both the Local Authority and the Clinical Commissioning Group recognise that additional capacity will be required for a period of up to 21 months, until March 2024, to address the backlog in referrals and current waiting times for families. The current provider is using agency staff funded through some additional non-recurrent

funding from the Clinical Commissioning Group. Establishing temporary posts will be less costly than using agency staff and will provide some necessary stability and continuity for the service and for families. The Clinical Commissioning Group has indicated that the arrangement for additional non-recurrent funding to increase capacity can continue once the service transfers to the Local Authority and it is on this basis that the posts will be funded.

11. The new temporary Parent and Family Worker posts will be based within the existing locality Family and Parenting teams for the purpose of delivering evidence-informed workshops and programmes for families where children are referred because of a concern about a possible neurodevelopmental behaviour need. This will increase capacity for families on the Small Steps waiting list to access the wider graduated parenting and family intervention offer. The projected costs of these temporary posts from June 2022 to March 2024 will be £184,000 and recruiting to the posts will be conditional on Children's Services securing non-recurrent funding from the Clinical Commissioning Group so that there are no additional costs to the Local Authority.
12. Locating an early neurodevelopmental behaviour service within the Council's Early Help offer will bring a number of benefits for families. There is already substantial experience and expertise across Children's Centre Services and the Family Service of offering a range of evidence informed parenting interventions including for families where there are suspected, undiagnosed and/or diagnosed neurodevelopmental behaviour needs. Families will have more immediate access to a wider range of interventions available through the graduated family and parenting offer and the Children's Centres menu of interventions.

Other Options Considered

13. Consideration was given to seeking Committee approval to establish a revised team structure in advance of the TUPE transfer of relevant/eligible Family Action staff. However, following advice from corporate Legal and HR colleagues it was concluded that more time was needed to properly assess whether the existing team structure is fit for purpose and that this will be best achieved following the TUPE transfer to the Local Authority.

Reason/s for Recommendation/s

14. The integration of the Early Neurodevelopmental Behaviour Support Service with the Council's Early Help Services will be beneficial for parents and families.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

16. The total cost of the early neurodevelopmental behaviour service is £500,000 and will be fully covered by the Clinical Commissioning Group.
17. The establishment of 3 FTE Parent and Family Worker (Grade 5) posts to March 2024 are projected to cost £184,000 and will be covered through additional temporary non-recurrent funding from the Clinical Commissioning Group. As a result, there would be no additional financial obligation on the Local Authority.

Human Resources Implications

18. Legal and HR advice has confirmed that TUPE transfer will apply for staff within Family Action whose job role delivers the activities outlined within their contract with the Clinical Commissioning Group to deliver a neurodevelopmental behaviour service. The Local Authority has begun early discussions with Family Action to work through the detail and understand any implications.

RECOMMENDATION/S

That Committee:

- 1) gives approval for the TUPE (Transfer of Undertakings (Protection of Employment)) Transfer of relevant/eligible Family Action staff, who are engaged in delivering the activities prescribed in the contract to deliver the Small Steps Early Neurodevelopmental Behaviour Service, into the Local Authority Children's Services
- 2) approves the establishment of 3.0 fte Parent and Family Worker (Grade 5) posts, temporary until March 2024 to be based within the existing Family and Parenting teams in the Family Service to provide additional capacity to deliver parenting interventions for families where children present with neurodevelopmental behaviour needs.

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Constitutional Comments (LW 22/02/22)

19. Children and Young People's Committee is the appropriate body to consider the content of the report.

Financial Comments (NC 25/02/22)

20. The agreed total value of the early neurodevelopmental behaviour service is £507,000 and annual uplifts will apply in line with NHSE planning guidance.
21. The net Family Service budget (as reported in January) is £2,469,450.
22. The projected costs of the temporary posts from June 2022 to March 2024 is expected to be £184,000 and recruiting to the posts will be conditional on Children's Services securing non-recurrent funding from the Clinical Commissioning Group so that there are no additional costs to the Local Authority.
23. Formal approval of the transfer of the service is required. As part of the service transfer, Legal and HR advice has confirmed TUPE transfer will apply for staff within Family Action whose job role delivers the activities outlined within their contract with the Clinical Commissioning Group to deliver a neurodevelopmental behaviour service.
23. Financial risks to the Local Authority are if the value of the contract does not fund the costs associated with it. For example, covering the costs associated with TUPE such as redundancy, staffing and ICT costs. Should these costs not be met within the value of the contract the Local Authority would fund the shortfall.
24. Due diligence needs to continue in the run up to contract signing and transfer to reduce the financial risks to the Local Authority.

HR Comments (BC 23/02/22)

25. The staffing implications are contained within the body of the report. The transfer of staff from Family Action will be in accordance with TUPE regulations and the department will ensure that appropriate engagement and consultation with this staff group occurs.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Concerning Behaviours Multi Agency Pathway Webpage](#)

[Neurodevelopmental Behaviour Support Service – report to Children & Young People's Committee on 17th January 2022](#)

Electoral Division(s) and Member(s) Affected

All.

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