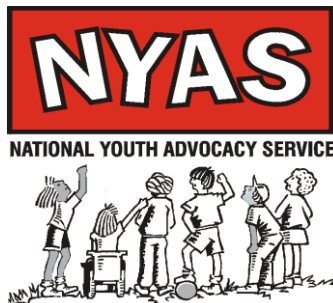


MODERNISING COMMISSIONING GOVERNMENT GREEN PAPER

RESPONSE FROM THE NATIONAL YOUTH ADVOCACY SERVICE



1. Introduction

The National Youth Advocacy Service (NYAS) is a small but significant national charity with 30 years experience of delivering rights based socio-legal direct support and advice services to vulnerable children and young people across England and Wales. We operate in 43 locations and have 13 offices across England and Wales with our head quarters in the north west of England.

We provide advocacy, Independent Visitors, participation services, Independent Persons and Investigating Officers for secure reviews and for local authority complaints. We provide specialist mental health and mental capacity advocacy in a range of settings including inpatient units. NYAS provides legal advice, support and representation for children in private law proceedings and have public and community care contracts with the Legal Services Commission. We have approximately 300 trained advocates across England and Wales who have backgrounds in education, social work, youth work and nursing. All caseworkers involved in court work are qualified social workers. We have 23 qualified solicitors experienced in a range of matters relating to vulnerable children and adults.

Much of our non legal work is with children and young people who are already known to local authorities. We are commissioned by in excess of 50 local authorities and PCTs across England and Wales to provide rights based services and, therefore, have a wealth of experience in relation to commissioning. For us, and no doubt many others, this has been and continues to be a painful journey. We are an extremely lean organisation with flexible capacity and resources and low overheads. We believe that this is a hugely challenging time but also one with significant opportunities for civil society organisations to embrace and to share what they do well.

NYAS welcomes this review and the opportunity to contribute to it. Given the scope of NYAS our response outlined below is focussed on services for children and young people.

2. In which public service area could Government create new opportunities for civil society organisations to deliver?

We await the findings of the Munro and the Family Justice reviews, which we anticipate will provide greater opportunities for the third sector to contribute to the provision of social care services. Today NYAS provides legal and social work services to the family courts in public and private law and with this experience and the flexibility of our workforce we are well positioned to expand these services following the review of the future role of CAFCASS.

Civil Service organisations bring independence in long-term cases where a fresh perspective or approach can be beneficial or where the relationship with the child and /or family has deteriorated and in those cases where the decision making by local authorities may have been influenced by factors other than the best interests of the child. It continues to be of considerable concern to us that the role of Independent Reviewing Officers (IROs) falls within the remit of local authority management, thus potentially limiting their ability to effectively challenge decisions made by the local authority. We have experience of young people whose stable placements are jeopardised due to financial constraints and where IRO's have been prevented from raising their concerns with NYAS advocates. We understand that very few cases have been brought to the attention of CAFCASS by IROs. We would argue that any truly independent role should operate outside of public sector management. Civil service advocacy, residential visiting and independent reviewing services have demonstrated their ability to appropriately challenge local authorities to ensure the best interests of children.

NYAS continues to be concerned at the transition arrangements for young people leaving care. Young people are too often not involved in decisions affecting them, are advised of them very late and are not prepared for independent living. There is significant scope for civil society organisations to provide support to young people leaving care helping them to build self-esteem, confidence and new skills to enable them to achieve their potential and settle into independent living.

3. How could Government make existing public service markets more accessible to civil society organisations?

NYAS concurs with the sentiments of the Green Paper in relation to the barriers facing civil society organisations. NYAS' experience in recent months is that local authorities are reducing the timescales for tender submissions, are reducing budgets and in some cases moving from fixed grant arrangements to spot purchasing. Obstacles facing civil service organisations include:

- Complex tender documents which are lengthy and repetitive
- Lack of information on tender documents particularly about existing service delivery and staffing arrangements are common
- Timescales for contracts are often too short and appear to be driven by the process of commissioning rather than the service that is needed
- No allowance is made for the start-up phase of new services
- TUPE requirements lead to organisations having staff on many different terms and conditions, including different rates of pay and pension arrangements. NYAS currently has six services, employing nearly 10% of our staff, operating on different sets of employment terms and conditions
- Performance issues may not have been addressed with TUPE staff, this is particularly problematic when they have contributed to the former provider losing the contract
- Imbalance of power between commissioners and providers, with the former having the support of legal advisers not available to smaller civil service organisations.

A concerning trend is that 'services' are increasingly being referred to as 'contracts' which diminishes the value of what is being provided and deflects from the interests of the service user being central to decisions about service provision.

Effective commissioners will work with commissioned organisations to ensure that they have the best possible start and will be constructive at problem solving. NYAS has experience of working constructively with commissioners and would be happy to contribute to addressing how commissioners relate to and engage with civil society organisations.

4. How could commissioners use assessments of full social, environmental and economic value to inform their commissioning decisions?

There should be greater clarity on community need in the short, medium and long term and the outcomes sought at each stage, coupled with an understanding that some value may not necessarily be immediate. For example, advocacy addresses in the short term the immediate issues facing children and young people. Advocates also act as role models and it may be at a point later in that child's life when as an adult they remember how to navigate similar situations. The same is true of independent visitors. Commissioners should have the flexibility to pool budgets with neighbouring authorities and there needs to be greater alignment of local authority and health boundaries. Commissioners should also be more creative in their decision making – decisions should not just be made on the basis of the lowest financial value of the submission as this is often a short term measure which does not affect full social value or social return.

5. How could civil society organisations support greater citizen and community involvement in all stages of commissioning?

NYAS has extensive experience of engaging service users at all stages of planning, developing and delivering services. We have trained young people in the recruitment and selection of workers. For every service provided, we expect the local staff to secure feedback from children and young people to inform business planning. Each monitoring report contains information on the issues raised by children. When there are the same issues that come from more than three children we raise these with commissioners with an expectation that they will take action to address them and we report back to children at every stage. Time and resources will need to be made available to effectively support greater citizen and community

involvement. We would welcome further discussions as to how this principle can be transferred to commissioning stages.

Conclusion

Finally we welcome this review as evidence of the Government's commitment to enabling civil service organisations to effectively contribute to the delivery of public services. We would welcome the opportunity to contribute further to identifying the potential for improvements in the commissioning process.