| 9 October 2018 | ITEM: 6 |
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| **Children's Services Overview and Scrutiny Committee** | |
| **Short Breaks and Support Services for Disabled Children** | |
| **Wards and communities affected:**<br>All | **Key Decision:**<br>Key |
| **Report of:** Sue Green, Strategic Lead – Children's Commissioning and Service Transformation | |
| **Accountable Assistant Director :** Sheila Murphy, Assistant Director Children's Social Care | |
| **Accountable Director:** Rory Patterson, Corporate Director of Children's Services | |
| **This report is Public** | |

**Executive Summary**


The provision of Short Breaks and Support Services for Disabled Children (Short Breaks) is a statutory duty for the local authority to improve the outcomes for disabled children and is available for all disabled children and young people aged between 0 and 18 years old.

A procurement exercise needs to be undertaken to replace the current Short Breaks contract which expires in March 2019. The contract aims to improve the health and wellbeing of disabled children and their carers by offering additional support.

The services currently provided include:

- Sitting and Befriending
- Community / leisure activities
- Residential breaks and activities in a residential setting

This service will be tendered within the Public Contracts Regulations 2015 as a Light Touch Exercise for an initial period of three years with an option to extend for a further twelve months. The average annual spend is expected to be £400,000 with a total contract value of £1,600,000.00 for the maximum four year term.

The procurement exercise aims to increase the number of providers, there are two providers delivering the service under the current contract. The quality of the service will be the main criteria of the procurement exercise, however savings may be possible due to increased competition.

In order to stimulate the market and encourage engagement with the local voluntary sector, the new framework contract will not limit the number of providers and will be refreshed on an annual basis, allowing new entrants to the market the opportunity to provide services.

## 1. Recommendation(s)

**That members agree that the following recommendations be made to Cabinet in November 2018:**

**1.1 That, subject to approval, the tender to provide Short Breaks and Support Services for Disabled Children with a term of three (3) years and the option to extend for a period of twelve (12) months be issued.**

**1.2 That authority is delegated to the Accountable Corporate Director of Children's Services, in agreement with the Portfolio Holder to award contracts to meet the assessed needs and preferences of children and young people.**

## 2. Introduction and Background

2.1 The Breaks for Carers of Disabled Children Regulations 2011 requires the Council to have regard to the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to allow them to:

- undertake education, training or any regular leisure activity
- meet the needs of other children in the family more effectively, or
- carry out day to day tasks which they must perform in order to run their households.

2.2 The Regulations require the Council to provide, as appropriate, a range of:

- day-time care in the home of disabled children or elsewhere,
- overnight care in the home of disabled children or elsewhere,
- educational or leisure activities for disabled children outside their homes, and
- services available to assist carers in the evenings, at weekends and during school holidays.

2.3 Examples of the services provided under the Council's current contract include:

- taking children and young people into the community to experience new activities, to visit the cinema, go shopping, attend Brownies / Cubs, go swimming and other outdoor activities
- supporting parents and carers within the family home
- providing short periods of residential breaks
- providing residential activities

Care workers do not provide domestic activities for the family or support non-disabled children within the family.

2.4 These services are provided by the council according to need and as far as possible within the provider and activity choices determined by the child and young person and their families.

2.5 Current Short Break services are provided in two distinct elements ("lots"): community services – activities in the family home or day activities in the local area; residential services – overnight stays and activities in a residential setting.

2.6 The 2013 commissioning exercise awarded contracts to four providers. During the course of the current contract, two of these have closed, this is reflective of the state of the national market for this type of service.

2.7 The annual spend on the current contract was initially £700,000 per annum in 2013. However, due to the wider choice available to families through the use of personal budgets, this has now reduced to approximately £400,000 per year in 2017.

2.8 The reduction in contracted provision resulted in an increase in personal budgets for home / community care provision and an increased cost for residential and complex home provision. However, the demand for residential care Short Breaks continues to be a significant need with volume remaining consistent.

## 3. Issues, Options and Analysis of Options

3.1 The main issue for this procurement is the shortfall in available providers, particularly the community services element, and the lack of suitable residential provision within or near to Thurrock.

3.2 This procurement process aims to increase the number of providers contracted to deliver the service by utilising a framework that is subject to an annual refresh. This will allow new providers to come into the market, enhancing the current mix.

3.3 With the refresh, existing providers will also be allowed to review their fees and adapt the service offer on an annual basis which ensures equity in the market. However, the number of providers will ultimately be impacted by the predicted increased in funding shift for families to personal budgets.

3.4 Price reviews and any requests for uplifts will be subject to cost justification, for example, how they relate to National Living Wage.

## 4. Reasons for Recommendation

4.1 This report is submitted to Children's Overview and Scrutiny Committee for comment prior to Cabinet approval to proceed to tender. As the contract value is above £750k this is in accordance with the Thurrock Council Constitution (Chapter 9, Part 2 – Contract Procedure Rules).

4.2 The proposed provision aims to deliver an effective solution to the duty to provide Short Breaks for Disabled Children and their families that satisfies the needs of children and young people and the families, providing a quality service at a competitive price.

4.3 The proposed framework contract will help stimulate local provision and competition by allowing new providers to join on an annual basis.

## 5. Consultation (including Overview and Scrutiny, if applicable)

5.1 The CaPa Participation Group (CaPa = Carer/Parent) were consulted on the type of services they would like to see in a Short Break scheme and where this is in line with the permitted services this has been used to inform the proposed tender.

5.2 Social Workers have discussed delivery and preferences with the parents and carers of disabled children who receive a service.

5.3 This report is submitted to Children's Overview and Scrutiny Committee on 9 October 2018

## 6. Impact on corporate policies, priorities, performance and community impact

6.1 This report impacts on the following corporate priorities:

- People – a borough where people of all ages are proud to work and play, live and stay.
- Prosperity – a borough which enables everyone to achieve their aspirations

6.2 It also contributes to the following Thurrock Health and Well–Being Strategy – (2016 – 2021) priorities:

- Give parents the support they need
- Reduce social isolation and loneliness

## 7. Implications

### 7.1 Financial

Implications verified by: **David May**

**Management Accountant**

Total value of this tender is £1,600,000 for a four year term and complies with OJEU rules. Increased competition should enable the tender to provide value for money.

### 7.2 Legal

Implications verified by: **Lucinda Bell**

**Lawyer**

Short Breaks for Disabled Children is a statutory requirement of the local authority through the Breaks for Carers of Disabled Children Regulations 2011. The proposed tender would comply with current Procurement rules and ensure the local authority meets its statutory requirements.

### 7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**

**Community Engagement and Project Monitoring Officer**

This commisioning exercise is to enable disabled children to experience a short break and new activities and for their parents / carers to have a respite from their caring responsibilities. This supports children to remain in the home and reduces the number of children entering care. Disability is a protected characteristic under the Equality Act 2010, this commissioning exercise would have a positive impact. No other equality or diversity impacts have been identified within this report.

### 7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- This Tender is to be under the Light Touch Procurement rules.
- This proposal is fully compliant with Section 17 of the Children Act 1989 regarding services for Disabled Children and, Breaks for Disabled Children Regulations 2011.

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

**9. Appendices to the report**

- None

**Report Author:**

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