

**DELIVERY OF OVERNIGHT SHORT BREAKS AND RESIDENTIAL CHILDREN'S HOMES FOR CHILDREN AND YOUNG PEOPLE WITH DISABILITIES IN CAMBRIDGESHIRE AND PETERBOROUGH**

*To:* **Children and Young People Committee**

*Meeting Date:* **Tuesday 21<sup>st</sup> January 2020**

*From:* **Executive Director for People and Communities**

*Electoral division(s):* **All**

*Forward Plan ref:* **KD2020/015**      *Key decision:* **Yes**

*Purpose:* **Information, Recommendation and Agreement of proposals in relation to the Residential and Overnight Short Breaks Service**

*Recommendation:* **a) Agree the TUPE of 73 employees from Action for Children into Cambridgeshire County Council;  
b) Agree to insource our Residential and Overnight Short Breaks service;  
c) Note the outcome of the Overnight Short Breaks Consultation.**

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## 1. BACKGROUND

- 1.1 Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) a range of Short Breaks for Disabled Children and Young People<sup>1</sup>. Short Breaks are provided for parents/ carers of disabled children in order to support their ability to continue their caring responsibilities as effectively as possible, as well as ensuring the young people have the opportunity to: develop independence, promote and support physical and emotional health, build relationships and enjoy new experiences.<sup>2</sup>
- 1.2 CCC and PCC have varying arrangements in place for the delivery of Residential Care and Short Breaks, including community short breaks (such as activities, holiday clubs and domiciliary care services), as well as accommodation based short breaks (in a registered care setting), shared care arrangements and the opportunity for families to receive their day time short break via Direct Payments.

Cambridgeshire's residential children's homes and accommodation based short breaks is currently delivered by Action for Children across three Ofsted registered residential children's homes: Haviland Way (shared and long term care), Woodland Lodge (short breaks care), and London Road (shared and long term care).

The current contract, with a value of £2,473,525.00, was awarded in October 2015 for four years; with an extended one year contract end date of September 30<sup>th</sup> 2020.

- 1.3 On 23<sup>rd</sup> July 2019, a paper was presented to a 'Residential Options' Meeting, chaired by Wendi Ogle-Welbourn, Executive Director of People and Communities, which provided an update on the progress of the Residential and Overnight Short Breaks Project for re-designing and re-tendering the service. Discussion was held on the options available, following an extensive programme of consultation<sup>3</sup>, with an outcome of a request to develop a business case to bring the model "in house".

The "in house" model has numerous expected benefits for families and young people, as well as providing a greater management of the service by the Local Authority. The move back in house to the County Council would mean that the service is closer to senior decision making processes, hence the service will be better able to pre-empt and/or respond to crisis with stronger links to other services and a single approach to care planning across Education, Health and Social Care.

Additionally, the move "in house" would create greater flexibility and choice in Residential and overnight short break care, based on family preference and in line with identified consultation outcomes. It affords the Council significant and greater control over the redesign and shaping of the services to meet our requirements now and in the future; whilst allowing for a programme of work that aligns and maximises efficiency opportunities.

- 1.4 As part of an ongoing review of Disabled Children's services, consultation and co-production has been key to understanding the current and future needs of families

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1989/41/schedule/2>

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2011/707/introduction/made>

<sup>3</sup> <https://www.cambridgeshire.gov.uk/news/consultation-on-overnight-support-for-children-with-disabilities/>

accessing residential and overnight short breaks services. Between April 2019 and October 2019 a range of consultations with parents, the workforce, other Council's; and children/young people took place. Highlights of this work included a Short Breaks questionnaire to parents completed by 62 out of 74 parents, five face to face consultations and a local authority engagement event.

Of the six available options, 'residential overnight in a short break children's home' was by far the most popular, with 70% of parents selecting this option. The second most popular option was for direct payment workers to provide overnight support in the direct payment workers home; 44% of parents and carers selected this option as a preference. Other softer intelligence was gathered from families in order to understand their priorities; this included a review of what's working, frustrations, worries and overall experiences of Overnight Short Breaks.

The summaries, as linked in the webpage<sup>4</sup>, make repeated reference to a need for a more flexible approach and offer, including greater choice over the use of Direct Payments. The key points noted in the summaries suggest that initially there will be an immediate take up of Direct Payments, followed by a likely steady increase in families moving towards a Direct Payment, and/ or an initial take up for children & young people being newly assessed.

Disability Social Care has already agreed to the use of overnight short breaks paid for by direct payments in November 2019 based on the requests from families; this will be formally launched in early 2020. The release from a block contract arrangement with a provider enables the Council greater budget management to enhance and broaden our Direct Payment offer, whilst also having a more flexible approach to the wider provision of care.

- 1.5 A detailed business case has since been written and presented to the Joint Child Health Commissioning Board on the 11<sup>th</sup> December with a recommendation from the Senior Commissioner (SEND) and agreement from the board to bring the service in house.

## **2. MAIN ISSUES**

- 2.1 H.R, Finance and Pensions have all been involved in the residential and overnight short breaks work as advisors to the programme board. Representation from H.R and Finance now sit on the board, which is currently overseeing the mobilisation of this project, as well as multiple other work streams.

The staff count within Action for Children is not generally not static due to the nature of the service, however as of December 2019 there are 73 FTE members of staff who would be transferred into CCC as part of an in house residential and short breaks service. It is assumed that all 73 Action for Children staff, including the Service Manager and Registered Managers, will be brought back into CCC under TUPE regulations.

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<sup>4</sup> <https://www.cambridgeshire.gov.uk/news/consultation-on-overnight-support-for-children-with-disabilities/>

2.2 There will be a large financial increase in pension contributions from Action for Children's [6% to CCC's 17.5%] with an approximate cash increase of contribution £200,000 to £230,000. It is not possible to predict the exact quantum cost of increases to the Council, without a full schedule of Staff transferring, their existing pension contributions and those who remain on LGPS pensions, however the figure above has been calculated based on a £2,000,000 salary cost with an increased pension contribution and a variable of 80%-100%. Action for Children suggest that they have around 88% uptake on pensions currently and there are currently only 1 CCC existing pension in place following the outsourcing of the service to Action for Children in October 2015. Pension advice has been sought and mainly notes the increased cost that will need to be considered by the Chief Finance Officer.

### 2.3 **HR Advice**

HR have recommended that the most efficient, effective and low risk option to the project would be to transfer the workforce back in house as soon as practicable (at least 6 months' notice is ideally required)

H.R have advised that 3-4 months should be set aside for the TUPE H.R process. As a minimum, H.R could reasonably TUPE staff within 2-3 months, should there be any significant issues in relation to the incumbent Provider or should the incumbent Provider request to cease the contract early. It is currently expected that staff will transfer in line with the contract end date, the 30 September 2020.

2.4 Benefits of an in house model and the TUPE of existing Staff include:

- Create the opportunity of flexibility across a Council wider service portfolio;
- Create a single workforce with a flexible approach to pre-empting, working and responding to crisis;
- Provide a greater pool of workforce across the two authorities and the CCG;
- Provide consistency, stability and sustainability as a result of transferring existing Staff who have good working relationships with children, young people, their families and our workforce; and
- Ensure statutory and legal compliance.
- Above all, ensure children and young people with disabilities, of whom many are the most vulnerable; are supported as close to home and Council services as possible.

### 2.5 **Risks of TUPE**

- One of the largest risks for the staff TUPE in house will revolve around communication management with both staff and parents. Family and workforce anxiety around the decision will be inevitable in relation to changes that are perceived to take place.
- This could result in a period of resignations and a changing workforce structure in the service. A comprehensive communications strategy must be employed to control this risk; and reassure families and workforce that current arrangements of care and service delivery will remain.
- We are bringing in at least one service that is deemed 'Requires Improvement' to be Good by Ofsted, as well as another that is 'Requires Improvement' to be Good, with a trajectory to be Good, and a further service that is Good with Sustained Effectiveness.

- There is a potential risk that the Council will be insourcing Staff who are currently not fulfilling their responsibilities and duties effectively and/or whom have ongoing absence/performance issues. This will need to be mitigated with effective and adequate HR resource and support; which is a consideration that has been built into the business case, both in terms of capacity and finance.

## 2.6 **Financial Summary of TUPE**

The current cost of the workforce TUPE cannot be calculated accurately at this stage as we do not have access to the salaries of each individual worker. Workforce numbers and pay scales have been provided by Action for Children and with an additional 30% applied to the mean salary cost to account for CCC 'on costs', the salary total of all 73 staff is approximately £2,107,597. This is an increased total compared to previous years due to a 1.5% salary uplift for all staff applied from April 2019.

- 2.7 Additional costs to the Council include the provision of laptops and mobile phones for management staff, team leaders and administration staff. The amount required is currently unknown, however there will need to be a negotiated agreement with the AFC to identify the totality of the assets transferred to the service and their depreciation, coupled with the assets invested in by the Provider and their current value

## 3.0 **Consultation Outcome**

- 3.1 The key decision required from this paper is to TUPE Staff back to the Council and approve the decision to insource the service to meet the priorities and outcomes. In February 19, Committee approved to go to consultation with families, the outcomes of the consultations have been included as Appendix A for Members information.

- 3.2 The key headlines from the consultation included:

- No one size fits all' approach was essential;
- A family and or child might want and need different types of overnight short breaks at different ages
- Families reported that if they had the "right mix" of provision, then overall they felt they could need less.
- There continues to be a need for accommodation based short breaks, both in respect of a short break for the whole family, but also the wider opportunities in relation to preparation for adulthood and the development of independent living skills.

Potential structural service changes were presented to families in September 2019, in order to test the Local Authority's understanding of the consultation outcomes against the proposed model for delivery and to ensure continued co-production throughout service specification development. In the main, this was well received by families with some expected comments in relation to practical requirements and individual challenges and complexities.

## 3. **ALIGNMENT WITH CORPORATE PRIORITIES**

- 3.1 **A good quality of life for everyone**

The following bullet points set out details of implications identified by officers:

- Continuation of short breaks for young people and families with caring roles.
- Ensure the effective utilisation of Council budgets to ensure we maximise the offer available to families now and in the future.
- Ensure that where possible young people remain at home with their families and their local communities, best utilising social capital and informal care and support opportunities
- Make the best use of local services to keep young people healthy, safe and deliver the best outcomes; which are otherwise difficult to provide the further young people are from their local communities.
- Local services enable and provide consistency and continuity in care and support across education, health and social care.
- Being local to family, friends and communities provides a natural care, support and safeguard that cannot be offered easily in provision that is further away
- Young people are more likely to be supported to remain in and/or return to the family home if they are placed in local provision, ensuring close family contact, training and resilience for family settings and keeping local services that know children well at the centre of their care and support.

### **3.2 Thriving places for people to live**

The following bullet points set out details of implications identified by officers:

- Provide greater choice and independence in the hands of children, young people and their families both with and without Direct Payments.
- Provide a range of options that maximise choice for families
- Provide an infrastructure that enables us to embed services in the heart of communities and draw on local services to provide resilience communities for disabled children and young people.
- Continued delivery of local provision will sustain employment opportunities for care and support staff; and support workforce recruitment/retention which contributes to the local economy.
- Provide a broad range of employment opportunities in respect of the range of service provision on offer, including specialist support, continuation of community based support packages and an increase in Direct Payment opportunities to both contribute and complement existing employment.

### **3.3 The best start for Cambridgeshire's Children**

The following bullet points set out details of implications identified by officers:

- Ensure a matrix of services that are both preventative and responsive in respect of education, health and social care, which ensures needs and provision is identified at the earliest time.
- Ensure that families are resilient in the ability to support young people at home, for as long as possible, using creative and innovative infrastructures such as TEC (Technology Enabled Care) at the earliest years.
- Provision that sustains and supports placement resilience and ensures children and young people are supported as close to home as possible.

## 4. **SIGNIFICANT IMPLICATIONS**

### 4.1 **Resource Implications**

The following bullet points set out details of significant implications identified by officers:

- The service will cost the same, if not more to provide in house, however budget gap fulfilment will be explored within existing budgets that may positively benefit from this project; and/or invest to save proposals.
- There is a pension pressure as a result of TUPE that will need approval from the Chief Finance Officer.
- There may be a staff retention issue in relation staff reluctance to transfer to a Council from a charity, however this will be mitigated with a robust communication and mobilisation plan.
- Continued capital asset cost in the form of three Council buildings and increase management costs. However, these are in the main funded by the existing block.

### 4.2 **Procurement/Contractual/Council Contract Procedure Rules Implications**

The following bullet points set out details of significant implications identified by officers:

- The current contract will be ceased on the 30 September 2020, the natural contract cessation date as a result of a 12 month extension.
- The Provider may request to cease the contract early, but not before July 2020.

### 4.3 **Statutory, Legal and Risk Implications**

The report above sets out details of significant implications in ***paragraphs 2.1-2.6***

### 4.4 **Equality and Diversity Implications**

*There are no significant implications within this category*

### 4.5 **Engagement and Communications Implications**

The following bullet points set out details of significant implications identified by officers:

- Robust engagement will be required to support staff retention and anxiety amongst the workforce, children/young people and their families.
- Consultation will need to continue throughout mobilisation and any re-design of services to ensure children, young people and their families voices are heard and that the Council delivery on their identified outcomes.
- There may be some challenge from the market in respect of insourcing.

### 4.6 **Localism and Local Member Involvement**

*There are no significant implications for this section*

#### 4.7 Public Health Implications

*There are no significant implications for this section*

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Martin Wade
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes Name of Officer: Gus De Silva
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Oliver Hayward
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Jo Dixon
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Oliver Hayward
Have any Public Health implications been cleared by Public Health	Yes or No (NA) Name of Officer:

Source Documents	Location
Links to source documents included within the body of the report.	