

RESIDENTIAL SHORT BREAKS FOR DISABLED CHILDREN – EXTENSION AND CONSULTATION

To: Children and Young People’s Committee

Meeting Date: 15 January 2019

From: Wendi Ogle Welbourn

Electoral division(s): All

Forward Plan ref: **KD2019/022** *Key decision:* **Yes**

Purpose: To seek the Committee’s agreement to an extension to the Residential Short Breaks for Disabled Children Contract and to set out the benefits to a consultation and engagement with families who currently use the service.

Recommendation: **The Committee is recommended to:**

- a) agree to extend the contract for 12 months (to October 2020)
- b) delegate authority to the Executive Director for People and Communities to execute a contract extension;
- c) note the proposed consultation and engagement with families.

<i>Officer contact:</i>		<i>Member contacts:</i>	
Name:	Lucy Loia	Names:	Councillor Simon Bywater
Post:	Commissioner (SEND)	Post:	Chairman, Children and Young People Committee
Email:	Lucy.Loia@cambridgeshire.gov.uk	Email:	Simon.Bywater@cambridgeshire.gov.uk
Tel:	01223 715540	Tel:	01223 706398 (office)

1. BACKGROUND

- 1.1** The current contract for Residential Short Breaks and Shared Care is delivered by Action for Children (AfC), and was awarded in October 2015. The Contract term is four years, with the option of a four year extension and the annual contract value is £2,473,525.00. The contract encompasses the delivery of short breaks, shared care and long term residential provision to disabled children and young people across three provisions, Haviland way (Shared and Long Term), Woodland Lodge (short breaks) and London Road (Shared Care and Long Term). All three properties are Ofsted registered children's homes and are Cambridgeshire County Council (CCC) owned buildings. Peppercorn rents for each of the buildings are paid by the provider and recouped within the block contract.

All budgets in relation to community support breaks for disabled children are ring fenced to the block contract, as well as £350,000 of funding from the Clinical Commissioning Group (CCG) for children and young people with complex care needs.

There is a project board reviewing the effectiveness of the current contract performance and reviewing the future need and demand for services. This board is attended by Commissioning (CCC & Peterborough City Council (PCC)), Social Care, the local Clinical Commissioning Group (CCG), Pinpoint (parent participation service), Transformation and LGSS Procurement.

In August 2018, the Joint Commissioning Board agreed to a recommendation to re-commission the service through a new procurement exercise and not utilise the available 2+2 year extension period.

2. MAIN ISSUES

- 2.1** In commencing a review into the effectiveness of the current contract performance and in reviewing the future demand for services, it became quickly apparent that a ring fenced community based offer is not meeting the needs of some families, some young people and the Local Authority.
- 2.2** Pinpoint, feedback from families and social care all share the view that there is an increase in demand for Direct Payments and provision in and around the family home. This is supported by a steady increase in requests for direct payments and a number of families declining a short break in the existing service.
- 2.3** There is also steady increase in the number of placements being made in residential special schools, all of which are outside of Cambridgeshire, where support in either local special schools and/or community short breaks has not been adequate or broad enough in supporting young people with complex and challenging autism and behaviour to remain at home or their local communities.
- 2.4** There are commissioning issues that have been identified throughout the life of the contract that require full and proper exploration including a need/demand analysis to identify current and future demand, cost analysis to ensure effective and sustainable delivery; and operational process review to ensure ongoing commissioning analysis and review. Additionally, the incumbent Provider has struggled to deliver the contract

on budget and in full and there have been a range of supportive mechanisms in place to support this including contract variations to occupancy rates to be delivered, quality improvement support and intensive contract management.

- 2.5 Finally, there are a range of agendas such as Transforming Care, the Special Education Needs and Disability (SEND) Strategy and Children's Continuing Care Framework that force and encourage us to consider how we best utilise resources and provision to support and maintain young people at home or within local services and communities; and to prevent young people requiring out of county placement or Tier 4 hospital admission.
- 2.6 With that in mind, it is felt by the board that in order to re-design the service and address the main issues above, a consultation and engagement exercise is required to ensure we are fully gathering the views and wishes of young people and their families to deliver services that meet their need, as well as an analysis of need to ensure services are adequate in delivering and sustaining current and future demand.
- 2.7 It is proposed that in order to properly consult and co-produce the service design, we would require more than 12 months to deliver and therefore we would not meet the tender timeline to award in October 2019. Additionally, there needs to be a steady state in current provision, coupled with a phased transition of any new service provision, in order ensure we achieve any potential transformation in service; whilst continuing to meet the needs of children, young people and their families day to day.

3. ALIGNMENT WITH CORPORATE PRIORITIES

Report authors should evaluate the proposal(s) in light of their alignment with the following three Corporate Priorities.

3.1 Developing the local economy for the benefit of all

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

- 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.
- Additionally, there will be a broader range of employment opportunities in respect of the range of service provision on offer, including specialist support, continuation of community based support packages and a possible increase in direct payment opportunities to either contribute and compliment existing employment

3.2 Helping people live healthy and independent lives

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
- Provide a range of options that maximise choice for families

- Encourage and empower the opportunity for choice and control for young people and their families in directing and leading their care and support.
- 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.

3.3 Supporting and protecting vulnerable people

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

- 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.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

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

- A further year's costs in relation to:
 - £2million pound block contract (Oct19 – Oct20)
 - Risk in relation to the security of CCG funding (£350k) without which the current contract provision is unsustainable
 - Capital cost of 3 x Council owned property (contained within bullet point 1 as peppercorn rent)
 - Maintenance cost of properties – largely to the cost of the Provider, with structural costs being the responsibility of the Council only.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

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

- Commissioning exercise is compliant with the Council's Contract Procedure Rules and the Project Board is attended by an LGSS Procurement Category Manager
- Contractually, we are required to give 6 months' notice to extend the contract which is achievable
- The contract extension is 2+2 years, however legal advice supports a negotiated

agreement.

4.3 **Statutory, Legal and Risk Implications**

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

- There is a statutory requirement to provide Short Breaks to families of children and young people with disabilities under the Children Act 1989
- The recommendations in this paper do not prevent the Council from meeting their statutory responsibilities
- There is a risk in respect of the Provider performance throughout the life of the contract, however this can be mitigated through contract management and the utilisation of break clauses should the Provider fail to remedy and provide an effective and safe service.
- There is a risk of budget reduction should the CCG reduce or remove funding. This is being mitigated through budget planning and commissioning meetings to ensure that need can continue to met and ascertain statutory responsibilities of those contributing the budget.
- There is a risk of anxiety in relation to consultation and engagement, however this is being mitigated through a formal consultation and communication strategy and Pinpoint are fully engaged and co-producing the consultation documentation.
- There is a risk that the incumbent Provider chooses to cease delivery of the contact, however this is mitigated by a break clause in the contract and the Contract Procedure rules enable us to appoint an alternative Provider whom we can continue any transformation work alongside.

4.4 **Equality and Diversity Implications**

There are no significant implications for this priority.

4.5 **Engagement and Communications Implications**

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

- This report sets out the plans to commence community engagement / public consultation in order to inform the commissioning strategy.
- The project is overseen by a Project Board that pans multiple interdependent directorates
- There is likely to be employment implications as a result of any proposed service redesign and this will be considered as part of the project plan.

4.6 **Localism and Local Member Involvement**

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

- the proposal empowers communities to engage in shaping services as well as provide the opportunities for greater choice and control over care and support.
- The proposal harnesses the energy of local communities to inform and shape services to meet their own current needs and future needs for disabled children and their families.

4.7 Public Health Implications

There are no significant implications for this area.

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: Paul White
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Allis Karim
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: Matthew Hall
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	Name of Officer: n/a

Source Documents	Location
None	