

## **Cabinet**

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**Date of Meeting:** 08 October 2019

**Report Title:** Re-commission of Short Breaks Services for Children with Disabilities

**Portfolio Holder:** Cllr Dorothy Flude – Children and Families

**Senior Officer:** Mark Palethorpe – Acting Executive Director People

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### **1. Report Summary**

- 1.1. The Council currently commissions 10 different providers to deliver Short Breaks Services for Children with Disabilities. These providers form an integral part of the overall local offer for children with disabilities within Cheshire East ensuring that our statutory duty as a local authority is met. The two year initial terms of the contracts (1 September 2017 to 31 August 2019) for the 10 providers have been extended by 1 year and therefore contracts are due to end on 31<sup>st</sup> August 2020. This report recommends a re-commission of the short breaks services for disabled children in order to continue working towards the vision from our Short Breaks Services Statement 2017-2020:

*‘Our vision is for disabled children and young people to have the same opportunities to develop and fulfil their potential as all other children’*

- 1.2. The total value of the current commissioned service delivery is £233,260 per year. In addition to commissioned services, the local offer for children with disabilities includes Early Help Individual Payments (EHIPs) which are provided following a Common Assessment Framework (CAF) assessment by the Children with Disability Short Breaks Team, thereby meeting our short break duties. Direct Payments and Residential Short Breaks are also provided following a Children and Families assessment completed by the Children with Disability Social Work Team under Section 17 of the Children Act 1989, meeting our Child in Need, ‘Cared for’ and Safeguarding duties. The total cost of support to disabled children across Cheshire East is £1.8m per year. There are 852 children accessing commissioned short break

sessions, 340 families receiving EHIPs in order to access non commissioned short breaks, 117 children receiving Direct Payments to arrange and purchase provision that meets assessed needs and 22 children accessing Residential Short Breaks via various external specialist providers. The total number of children and families accessing the individual elements of the children with disability support offer is 1331, however it is important to note that some children and families access more than one support mechanism.

- 1.3. The current service design of commissioned services will be reviewed to ensure that the re-commission focuses on achieving the 6 outcomes of the Children and Young People's Plan 2019-2021 and in particular the priority for those children with additional needs and improving their life chances. The re-commission will also focus on achieving greater value for money and effectiveness for residents. In doing so, it would also address the following commissioning question:

*“How do we ensure that Cheshire East Council commissions high quality short breaks services for children and families of Cheshire East through a short breaks offer which responds to assessed needs, offers effective interventions, good outcomes for children and their families, maximises uptake and ensures value for money?”*

- 1.4. The procurement process will ensure that the Council continues to deliver efficiency and effectiveness through its commissioning activity. Starting the re-commission early will allow for extensive co-production with children and families therefore ensuring this element of the offer meets the needs of children with disabilities and their families across Cheshire East. This specialist commission works within the context of the local offer with a focus on partnership working with other agencies.
- 1.5. We are passionate in our support for all children with disabilities. Local people have been able to have choice of good quality short breaks services as a result of this commission but learning from contract management, consultation with a wide range of stakeholders and changes in local provision indicate that re-commissioning these services will provide better value for the Council with enhanced support for children and families accessing short breaks services.
- 1.6. This re-commission supports the strategic intentions and ambition for children and families within Cheshire East and demonstrates further evidence of the Council's passion and commitment to put children and particularly children with additional needs at the heart of all that we do. Good quality interventions at the right time in the right place is integral to achieving the priorities in our 2019 – 2021 Children and Young People's

Plan, in particular, children, young people and young adults with additional needs have better chances in life.

- 1.7. The Council's Corporate Plan 2017 – 2020 is clear in its priority that children and young people should get a good start in life, are prepared for the world of work and are equipped to live independent, self-sufficient lives, and to realise their particular talents and abilities. The Corporate Plan also looks to ensure quality and best value for local people, striving to get it right first time, and acting with integrity, being open, honest and accountable and delivering on our promises. This re-commission is an integral part in achieving these outcomes for a vulnerable group of children and young people who have additional needs within the authority.

## **2. Recommendations**

### **That Cabinet:**

- 2.1. Approve the re-commission of Short Breaks Services for Children with Disabilities.
- 2.2. Delegate authority to the Executive Director – People, to award contracts for Short Breaks Services for Children with Disabilities.

## **3. Reasons for Recommendations**

- 3.1. The Council provides a range of short breaks for disabled children under the Breaks for Carers of Disabled Children Regulations 2011. The law says that a local authority must provide, as far as is reasonably practicable, a range of services which is 'sufficient to assist carers to continue to provide care or to do so more effectively'. The Short Break regulations require local authorities to:
  - provide a range of breaks, as appropriate, during the day, overnight, at weekends and during the school holidays.
  - provide parents with a Short Break Services Statement detailing the range of breaks and any eligibility criteria attached to them.
- 3.2. The short breaks for disabled children commission is integral to the delivery of the Cheshire East Short Breaks Services Statement 2017-2020:

<https://www.cheshireeast.gov.uk/pdf/livewell/short-breaks-statement-2017-2020.pdf>

The statement recognises that short breaks are a necessary and valuable break for parents from their caring responsibility that also provide disabled

children with meaningful activities in a safe and positive atmosphere. The opportunity to spend time with friends, to develop personally and socially, and to reduce isolation requires preventive and early intervention strategies across our Council and partnership workforce that work together with dedicated expert provision from the specialist sector.

- 3.3. Short breaks services are an essential service for our children with disabilities which supports effective interventions that ensure better outcomes and to prevent escalation of their needs where possible.
- 3.4. This re-commission will ensure transparency of our purchasing of services, evidence testing of the market to ensure current market conditions are taken into account and ensure the council achieves value for money.
- 3.5. Through consultation with professionals and co-production with families and service users the best fit model of delivery will be captured and in particular the siting of any specialist services to children and young people will be considered.

#### **4. Other Options Considered**

- 4.1. An in-house model of delivering short breaks services for children with disabilities has been considered. However the Council has never delivered this type of service and we are not aware of any other Council in the region that delivers this type of service in-house. The experience of operating this type of service is crucial in delivering the best life chances for children with disabilities. The cost structure of the current commissioned service model is highly effective as it is operated by small local charitable organisations.

#### **5. Background**

- 5.1. As of July 2019 there were 852 children with disabilities accessing 41 commissioned short break sessions, provided by 10 small local charitable organisations and funded by Cheshire East Council. Short Breaks range from activity sessions, youth groups to specialist 1:1 sessions in specialist settings. Children and young people who did not meet the threshold criteria for specialist social care services or do not want to access these services were able to receive a break without a requirement for a social care assessment. In addition to this, approx. 340 families are currently accessing Early Help Individual Payments which provide access of up to £1000 per year to access short breaks services that are not Council commissioned services. Children and young people who do meet the criteria for specialist social care services and choose to be assessed by social care could receive a Direct Payment, there are currently 117 Direct Payments being made to children across Cheshire East to arrange and

purchase provision that meets assessed needs. In addition to this, there are currently 22 children accessing Residential Short Breaks provided by the Council via external specialist providers.

- 5.2. Having a graduated local offer for families ensures cost effectiveness is achieved. In 2018-19 nine families moved from direct payment packages down to commissioned services or EHIPs saving £23,400. The Short Breaks Team also have a number of children and young people currently receiving commissioned services / EHIPs who would be eligible, due to their complex needs, for a high cost package of support but choose to remain on lower level support routes in order to continue to access short break provider groups and activities.
- 5.3. Over the last 2 years Cheshire East Council has put in place a varied and person centred short breaks offer. In order to monitor the current offer and develop it further we have listened to the voice of children and young people, parents and commissioned service providers. Extensive consultation and engagement has taken place through quarterly monitoring meetings and included the introduction of 'Coffee Mornings' that include representation from the Short Breaks Team, Children With Disabilities Team, commissioned providers and the Cheshire East Parent Carer Forum. This gives commissioners a good insight into what is currently working well and what could be improved in the delivery of short breaks services.
- 5.4. The current commissioned service offer provides added value in terms of sustainability as children and young people and families have access to non-commissioned activities/sessions through the Short Breaks team and each commissioned provider. This means that children, young people and families have choice and control in choosing the best services available. The procurement will be looking to award contracts to a number of providers to ensure the continuance of an effective short breaks offer.
- 5.5 The indicative procurement timeline for this re-commission is as follows:  
  
Co-production with Provider/Carer/Young People – September 2019 – January 2020  
Specification development – February 2020  
Tender issue date – March 2020  
Submission deadline – April 2020  
Bids evaluated (including the Cheshire East Parent Carer Forum on the panel) – April 2020 – May 2020  
Approval (Officer Decision Record completed) – May 2020

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Final Award letter – June 2020 (following standstill)  
Mobilisation – June 2020 – August 2020  
New services go live - 1 September 2020

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. The aggregate value of the short breaks for children with disabilities contracts is such that these services must be procured in accordance with the Public Contracts Regulations 2015 and in compliance with the Council's Finance and Contract Procedure Rules. This will require a fully OJEU compliant procurement exercise. The Service is engaging with Legal Services and the Council's Corporate Procurement Team in this process.
- 6.1.2. The Council will be carrying out extensive engagement with stakeholders, including providers, carers and children and young people, to co-produce the service specification, and in doing so should ensure that the Council adheres to its consultation duties and duties under the Equality Act 2010.
- 6.1.3. The Breaks for Carers of Disabled Children Regulations 2011 impose a duty on local authorities to secure a sufficient supply of a range of short break services and to publish clear and transparent information about these services and how they can be accessed. The recommendation supports this statutory duty.

### **6.2. Finance Implications**

- 6.2.1. The anticipated annual value of the short breaks for children with disabilities contracts is £235,000 per annum and £1,175,000 over the proposed five year term of the contract (3 years plus 2 x 12 months extensions). The commission is charged to the overall children's commissioned service base budget.
- 6.2.2. In addition to commissioned services, the local offer for children with disabilities includes Early Help Individual Payments (EHIPs) - £277,000, thereby meeting our short break duties. Direct Payments - £695,000 and Residential Short Breaks - £614,000 are provided to meet our Child in Need, 'Cared for' and safeguarding duties. The total cost of support to disabled children across Cheshire East is £1.8m per year. Having a graduated local offer for families ensures cost effectiveness is achieved.

6.2.3. Each of the above components ensure that the local authority provides a range of short break services that meets our statutory duty under the Breaks for Carers of Disabled Children Regulations 2011.

### **6.3. Policy Implications**

6.3.1. The review will put all children with disabilities at the centre of Council policy and decision making. The review will be undertaken with clear reference to the Children and Young People's Plan 2019-2021 and the Short Breaks Services Statement 2017-2020.

### **6.4. Equality Implications**

6.4.1. All public sector authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. An Equality Impact Assessment will be completed as part of service development. This proposal is not expected to discriminate or have negative impacts on people with protected characteristics. Some of those people affected will have learning disabilities or mental health needs and many will have additional needs, disabilities and/or other protected characteristics.

### **6.5. Human Resources Implications**

6.5.1. There are no human resources implications for the Council. If there is a change in supplier then it will be for the outgoing and incoming suppliers to work through any TUPE implications.

### **6.6. Risk Management Implications**

6.6.1. Children with disabilities are a vulnerable group that are at risk of a number of factors – poor education and training, health, safeguarding and transition into adulthood. The design of an effective short breaks offer will aim to mitigate these risks to our children.

### **6.7. Rural Communities Implications**

6.7.1. There are no direct implications specific to rural communities.

### **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. There are direct, significant and lasting implications for children with disabilities when delivering short breaks services. Short breaks for disabled children are an essential service for our children, young people and families which ensure better outcomes to prevent escalation of their needs where possible.



## **6.9. Public Health Implications**

6.9.1 Children and young people with disabilities are more at risk of health inequalities than their peers. The proposals are expected to improve the awareness and response in respect of these health needs.

## **6.10 Climate Change Implications**

6.10.1 There are no direct implications for climate change.

## **7. Ward Members Affected**

7.1 The recommendations have the potential to affect all areas of Cheshire East as the aim is to commission services across the whole borough.

## **8. Consultation & Engagement**

8.1. Consultation and engagement will take place with our children and young people, families, commissioned (and non-commissioned) providers and the Cheshire East Parent Carer Forum prior to the procurement in order to configure the highest quality commission of short breaks services that will meet the needs of this vulnerable group. The Cheshire East Parent Carer Forum will also play an important part of tender evaluation and ongoing contract management.

8.2. Market engagement will take place prior to the procurement process starting in order to promote this exciting opportunity to support our children, young people and families and gain best practice from across the market.

## **9. Access to Information**

9.1. Link to Short Breaks Services Statement 2017-2020:

<https://www.cheshireeast.gov.uk/pdf/livewell/short-breaks-statement-2017-2020.pdf>

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

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