



Classification	Item No.
Open	

Meeting:	Cabinet
Meeting date:	16 December 2020
Title of report:	Proposed Tender for Short Break Services for Children and Young People with Disabilities
Report by:	Tariq Tamoor Children's Portfolio Lead
Decision Type:	Key Decision
Ward(s) to which report relates	All

Executive Summary:

This paper sets out the proposals to re-design the Short Breaks Services for Children and Young People with Disabilities and their families.

Recommendation(s)

That:

1. The proposal as set out in the report to tender for short break services is agreed; Or,
2. The proposal with further modifications is agreed; Or,
3. The existing arrangements with no changes are retained.

Cabinet is requested to approve option 1, agreeing the proposal as set out in the paper.

Key considerations

1. Background

- 1.1 Bury Council currently commissions' targeted individual home support and outreach and social group activities for children and young people with disabilities up to the age of 18 years. These services operate during term time and holiday times.
- 1.2 The current arrangements have been in place since the 1st April 2016 following a competitive tender in 2015. The contracts were originally awarded for 3 years + 1 year option to extend. A further extension period to 31st March 2021 has been granted due to the unforeseen circumstances of the pandemic and key staff having to prioritise other areas of work. To remain compliant with EU, UK Regulations and Council Procurement Rules a competitive tender exercise needs to be completed.
- 1.3 Two of the short break service contracts for outreach support and specialist support for challenging behaviour, awarded in 2015 are no longer in operation due to the providers ongoing staff recruitment and retention issues which had an impact on outcomes for some service users due to the instability of the service and inconsistency of staffing. This has been considered as part of the current re-design.
- 1.4 In 2019-20 the expenditure for commissioned services was £1.1m. The budget comes under pressure due to the complexity of the needs of individual children and young people and the increase in demand, approximately 240 children and young people were in receipt of a package of in 2019-20 compared to 170 in 2014-15. This equates to an increase in volume of 41% since the last re-modelling and tender of the services or an average 10.25% p.a.
- 1.5 It is anticipated that the budget will remain the same for 2021-22 but with higher demand in terms of both volume and complexity of need.
- 1.6 The Council's statutory duties in respect of these services are set out in the Breaks for Carers of Disabled Children Regulations 2011 made under paragraph 6 of Schedule 2 to the Children Act 1989, which impose a duty on local authorities, as part of the range of services they provide for families, to provide breaks from caring to assist parents and others who provide care for disabled children. Paragraph 6(1)(c) and (2) of Schedule 2 to the Children Act 1989 were inserted by the Children and Young Persons Act 2008.
 - 1.6.1 In performing their duty under paragraph 6(1)(c) of Schedule 2 to the 1989 Act, a local authority must provide, so 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. In particular, the local authority must provide, as appropriate, a range of: day-time care in the homes of disabled children or elsewhere; overnight care in the homes of disabled children or elsewhere; educational or leisure activities for disabled children outside their homes; services available to assist carers in the evenings, at weekends and during the school holidays.

- 1.6.2 These types of services also assist the Council in their responsibilities to provide additional support as required in other legislation and guidance including; the Chronically Sick and Disabled Persons Act 1970; Section 17 of the Children Act 1989; Part 3 (SEND reforms) of the Children and Families Act 2014.
- 1.6.3 The Council are also required to publish a Short Breaks Duty Statement and to keep this under review. This Statement is currently under review and the intention is this will be published prior to the new contracts starting.
- 1.7 The review of the current services and development of the new specification has been completed with a range of co-production activity with children and young people and parents / carers including a survey, a steering group with key stakeholders including BURY2GETHER parent forum, focus groups with parents / carers and children and young people and webinars.
- 1.8 The new model has incorporated, as far as is practicably possible, the findings from the activity to improve outcomes, choice and access to the local community.
- 1.9 In February 2020 a Market Position statement was published. This was based on the analysis of data from the local SEND assessment, the Bury Joint Commissioning Strategy 2019-22 and the Local Authority Interactive Tool 2019 (LAIT) high level data for Bury.
- 1.10 The key findings from the market position statement which have informed the new service design relate to the proportion of children and young people accessing services in the areas of highest need and the identified needs of the cohort, specifically:
- 1.10.1 The introduction of the community based services in 2016 may have had an impact on the reach into areas of most prevalence which may be linked to deprivation. The proportion of children and young people of children and young people who access support has increased since 2014; BL9 Bury from 26% to 28%, M26 Radcliffe from 13% to 16% and M45 Whitefield from 9% to 11%.
- 1.10.2 The highest proportion of children and young people who access services have ASC Autistic Spectrum Condition (ASC) at 31%, this also the most prominent need in other categories where there is more than one disability. Other areas of high need are Speech Language and Communication (SLCN) 7.5%, Severe Learning Difficulty (SLN) 6.25% and Profound and Multiple Learning Difficulty (PMLD) 6.25%.
- 1.10.3 The need to improve and promote inclusion in the local community.
- 1.11 All commissioned services are accessed following assessment and referral after approval at the Children's Disability Resource panel.

2. The proposal

- 2.1 The proposal is for the new model to be graduated with different types of Short Break services to meet the different needs of individual children and young people

with the emphasis on enabling choice, community access and preparation for independence.

- 2.2 The new specification will deliver high quality services with appropriately trained, consistent staff and specialist services where there is an identified need. By ensuring the available resources are allocated based on need and are proportionate the duty to ensure best value will be met.
- 2.3 The services which will be commissioned are :
 1. Individual Home Care Packages and/or elsewhere including Outreach
 2. Targeted Social Club – Term Time
 3. Targeted Social Club – Holiday Time
 4. Time Limited Skill Based Service
 5. Time Limited Participation Support
 6. Positive Behaviour Support
- 2.4 To commission new Time Limited Skill Based and Time Limited Participation Support services which are in response to the need to enable children and young people to improve their skills, build their confidence, access their local community independently and be more prepared for life as an adult. These services will be available for a period of 4 weeks up to a maximum of 12 weeks.
- 2.5 The introduction of time limited support will not only improve the outcomes for children and young people but ensure that resources are only allocated to ongoing packages of support where alternative options have been explored.
- 2.6 The Positive Behaviour Support is specialist intensive support for those children and young people who have challenging behaviour as a result of their disability. The package of care will be bespoke for each young person and will specifically target the small cohort where there is a risk of family breakdown if the family goes into crisis leading to requests for high cost residential provisions.
- 2.7 The Individual Home Care Packages and/or elsewhere including Outreach develops family resilience by providing a break from some of their caring duties. This type of support also provides a range of support to family routines in the morning and evening.
- 2.8 To commission a Targeted Social Club in Term Time and Holiday Time for those children and young people who cannot access the community without additional support. These group activities will take place throughout the borough.
- 2.9 All providers will be responsible for identifying and securing suitable locations throughout the borough which are fully equipped and local to the places children and young people would like to visit.
- 2.10 All providers will be expected to show how they can adapt services and use new approaches in service delivery using the learning from the impact of Coronavirus.
- 2.11 The budget will remain the same as 2020-21 at £1.2m overall but will be configured differently with the introduction of time limited support.

- 2.12 The procurement route for the new services will be a Flexible Purchasing System to provide more choice of provision, value for money and the option for new providers to join the contract as the market develops.
- 2.13 The Individual Home Support and Targeted Social Club in Term Time and Holiday Time will both be Service Contract awards to the leading bidder for each lot. This will provide stability and consistency of staffing and best value due to the volumes accessing.
- 2.14 The contracts will be awarded for 4 years with 2 plus 1 year extension options which equates to 6 years in total.

3. Other alternative options considered

- 3.1 Have explored models in neighbouring authorities and GM to input into development as appropriate.

Community impact / Contribution to the Bury 2030 Strategy

- 4. The Short Breaks model and service specification links to the Bury 2030 Strategy by:
 - 4.1 Promoting the participation and inclusion of children and young people in their local community. The specification and particularly the new time limited support will actively seek to understand the barriers preventing access to the community and develop a plan to overcome this.
 - 4.2 Improving the life chances of the service users to be healthy, stay safe, enjoy and achieve and make a positive contribution in their social and economic wellbeing.
 - 4.3 Preparing for adulthood by building self-confidence, learning how to be in the wider community safely and manage risks and raising aspirations for independence and employment.
 - 4.4 Communities will be more connected, diverse and vibrant and will benefit from young people who are socially and economically active in their local area.

Equality Impact and considerations:

- 5. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
A public authority must, in the exercise of its functions, have due regard to the need to -*
 - (a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
6. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

Assessment of Risk:

7. The following risks apply to the decision:

Risk / opportunity	Mitigation
The key risks associated with the proposed changes are reputational damage if services are destabilised in the re-design.	To ensure robust procurement process and transition plan to new services.
The increase of children and young people in high cost residential placements.	To have a choice of provision to meet the different levels of need of children and young people which is value for money and reduces the requirement for residential provision.

Consultation:

- 8.1 The Council have consulted and engaged with children and young people with disabilities and parents/carers about the current provision and how it can be improved since 2018.
- 8.2 This has included a Children and Young Peoples Have Your Say event in June 2018 and a survey for parent/carers in September 2019. Following this a Steering Group was set up which included BURY2GETHER the parent forum and other key stakeholders to reach and engage cultural and minority ethnic groups.
- 8.3 The outputs of the Steering Group resulted in 4 focus groups and 2 webinars with parent/carers.
- 8.4 Further activity with children and young people was facilitated by the Advocate and Inclusion Ambassador and included 4 focus groups with them.
- 8.5 The key themes from this activity are set out below with responses as to how these have been addressed in the specification:

Theme	Response
More opportunities in the community and introductions to them for children and	The short breaks services will enable children and young people to enjoy new activities, make friends, have new

young people	learning opportunities, integrate in the local community and prepare for adulthood. The introduction of the new time limited participation service will specifically focus on those children and young people who may need a short period of support to reduce and mitigate the barriers for them to access independently.
More age appropriate youth and social groups with opportunities to develop independence and learn new skills e.g. using kitchen equipment and cooking	In addition to the above response a time limited skill based has been introduced to focus on enabling children and young people to achieve their personal goal with a time limited programme of activity such as swimming, using kitchen equipment, cooking and healthy eating, budgeting and using money to be independent access the community for leisure, housekeeping and work for instance.
‘Protective’ club for children with additional needs with staff that are appropriately trained and who know the children and young people	The Targeted Social Club Term Time and Holiday Time will have a consistent, appropriately trained staff team to meet the needs of those children and young people who cannot access the community without support. Providers will be expected to demonstrate how they recruit, train, retain and match staff as part of the procurement process and this will be taken into account as part of the evaluation of bids.
Referral process and decision making for a Short Break	Access to a Short Break package of care will continue to be via a social care assessment. Where there is an assessed need then the care plan and any associated funding will be approved at the Disability Resource Panel which meets every 2 weeks. The decision of the panel will be confirmed in writing to the panel.
Availability of care workers	This is recognised as a sector wide issue for care work. In relation to the specification the use of a single provider for the Home Support and Protected Social Clubs will mitigate this with a consistent staff team and a forward plan for the provision.

Legal Implications:

The legal implications associated with this report and the service provided are set out in the report. The proposed procurement routes are compliant with the Public Contracts Regulations 2015.

Financial Implications:

It is anticipated that the contract can be met from existing funding. In the event that costs exceed the budget this will need to be considered in the

context of the council's financial strategy and may require compensating savings to be identified.




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Background papers:

Market Position Statement – February 2020	 Short Breaks for Children and Young
Where are we up to - June 2020	 Short Breaks - Where are we up to
Parent Progress Presentation with Audio – July 2020 (Large file 37MB)	One Community - Short Breaks
Equality Analysis – October 2020	 Equality Analysis - Short Breaks 2020.d

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
SEND	Special Educational Needs and Disability