

<b>Classification:</b> Open	<b>Decision Type:</b> Key
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<b>Report to:</b>	Cabinet	<b>Date:</b> 15 April 2026
<b>Subject:</b>	Short Breaks Review – Children with Disabilities	
<b>Report of</b>	Deputy Leader and Cabinet Member for Children and Young People	

## Summary

This report seeks Cabinet approval to progress the recommissioning of Bury's Short Breaks Service. The proposed model aims to strengthen early intervention, increase flexibility, and deliver a more responsive, outcomes-focused service aligned to the changing SEND demand in Bury. Early provider market engagement will inform a sustainable, inclusive, and high-quality model underpinned by a fair pricing framework.

Social Emotional Mental Health difficulties (SEMH), Autism Spectrum Disorder (ASD), Moderate Learning Disability, and Specific Learning Disability account for over 80% of current SEND need. Parent and carer feedback is broadly positive but consistently highlights the need for more flexible, needs-led provision and improved community-based access. The current offer faces capacity pressures and does not fully reflect the diversity of presenting need.

## Recommendations

Cabinet is asked to:

- Approve the redesign of the Short Breaks model to create a more flexible, strengths-based and outcomes-focused offer.
- Approve the commencement of a structured market and stakeholder engagement exercise, in compliance with the Procurement Act 2023.
- Authorise extension of the existing principal Short Breaks contract dated 1<sup>st</sup> September 2021 with Action for Children Services Limited – company number 02332388, by a further 8 months until 31 March 2027 (from current expiry of 31 August 2026) to ensure service continuity during the engagement and procurement development period.
- Note that final model proposals, full financial appraisal, and contract award recommendations will be brought to Cabinet for approval following the engagement phase

## Reason for recommendations

Service delivery is currently concentrated with one principal provider, supplemented by three further commissioned providers and Direct Payments. Financial analysis shows substantial unit cost variation, from £6,764 (Direct Payments) to £21,378

(highest-cost provider), against a 2025/26 budget of £2.4m with a projected £28,000 overspend.

The current principal contract expires 31 August 2026. The provider, Action for Children Services Limited, has provisionally agreed to extend by a further 8 months to 31 March 2027, supporting a thorough engagement process. This extension is anticipated to be permissible under PA23 as a non-substantial modification that does not significantly alter the scope or economic balance of the contract.

The engagement phase will be cost-neutral, managed within existing resources. A full financial appraisal will accompany the final model recommendation.

### Alternative options considered and rejected

Option	Advantage	Disadvantage
1. Maintain current model	No additional procurement resource required	Reduced capacity, rising costs, market fragility, procurement compliance risk. Not recommended.
2-Redesign without engagement	Faster to implement initially	No market intelligence; high risk of undeliverable or unaffordable model. Not recommended.
3-Redesign through structured engagement (Preferred)	Informed by market capability; supports sustainability and improved outcomes	Requires time and resource investment during engagement phase

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### Report Author and Contact Details:

*Name: Lesley Grant*

*Position: Strategic Lead commissioning for Children with Disabilities*

*Department: Children's commissioning*

*E-mail: [l.grant@bury.gov.uk](mailto:l.grant@bury.gov.uk)*

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### Background

The Council provides Short Breaks for disabled children and young people aged 0-17, promoting wellbeing, enriching experiences, and family respite. Feedback from families, providers, and internal reviews indicates the current model requires modernisation to offer more flexible support, strengthen early help, extend reach, better reflect need diversity, and develop a quality-assured provider framework.

Current provision is constrained by limited capacity, a small provider market, inconsistent availability, and dated delivery models. These factors, alongside inflexible fee arrangements, inhibit the Council's ability to deliver a responsive, equitable and future-proof Short Breaks offer.

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### **Links with the Corporate Priorities:**

This proposal supports Bury's Let's Do It Strategy by improving access to local, community-based support; strengthening early intervention; reducing inequalities; enabling family resilience; and promoting a diverse provider market. It aligns with the Council's core priorities of improving children's lives, tackling inequalities, and ensuring financial sustainability.

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### **Equality Impact and Considerations:**

An Equality Impact Assessment will be completed following the engagement period. As the service supports disabled children, the EIA will specifically consider impact on children with SEND, with explicit reference to Looked After Children who may face additional vulnerabilities and reduced access to informal support. A signed-off EIA will be appended to the final Cabinet report.

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### **Environmental Impact and Considerations:**

The proposal is not expected to have a significant environmental impact. Greater use of community-based provision may reduce family travel, contributing positively to local carbon reduction. Environmental considerations will be built into procurement requirements at the point of tender

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### **Assessment and Mitigation of Risk:**

<b>Risk</b>	<b>Mitigation</b>
Market capacity limitations	Broad engagement with providers of all sizes, including SMEs and VCS organisations
Cost pressures and inconsistent charging	Pricing structures explored early through MIM exercise; CFP will drive value for money
Insufficient provider engagement	Structured multi-stage engagement with providers and service users planned before tender launch

Procurement compliance during extension period	All activity compliant with PA23; legal and procurement teams engaged throughout
Incumbent underperformance during extension	Provider has provisionally agreed to extend; performance monitored via existing contract management

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## 10. Procurement Implications

### Procurement Act 2023 Compliance

All procurement activity will be conducted in full compliance with the Procurement Act 2023 (PA23). Short Breaks are classified as light touch services under Schedule 1 of PA23. The anticipated contract value will exceed the relevant threshold and will be subject to the full light touch regime. Required notices will be published on the UK Procurement Notices portal throughout the process.

### Contract Extension

Cabinet approval is sought to extend the existing principal contract by seven months, from 31 August 2026 to 31 March 2027, to maintain service continuity during procurement development. This extension is considered a non-substantial modification under PA23 and will be confirmed by Legal and Procurement colleagues.

### Proposed Procurement Approach

Following the engagement phase, the Council will conduct the substantive procurement using the Competitive Flexible Procedure (CFP) under PA23. This approach allows for iterative market engagement and specification refinement before committing to final contract terms-well suited to a service of this complexity.

The process will include:

- Publication of a Prior Information Notice to alert the market and invite early expressions of interest
- A series of structured market engagement events with current and prospective providers, and separate sessions with families, children and young people
- A formal Market Information and Intelligence (MIM) exercise to gather structured data on capacity, workforce, pricing and service models to inform the specification
- Publication of a formal CFP Tender Notice, structured across lots to encourage SME and VCS participation across the full graduated model
- Evaluation using a quality-weighted price: quality ratio (indicatively 30:70), with representation from commissioning, social care, finance, procurement and families
- A further Cabinet report presenting the recommended award, full financial appraisal, and legal sign-off prior to contract commencement

Consideration will also be given to an Open Framework model (permissible under PA23), which allows new providers to join periodically throughout the contract term, improving market resilience. A final recommendation on contract structure will be presented to Cabinet alongside the full procurement proposal.

An indicative procurement timeline is appended (Appendix 2), with tender publication anticipated Autumn 2026 and contract commencement by 1 April 2027.

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### **Legal Implications:**

The Council has statutory duties under section 17 of the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 to secure appropriate short breaks provision for disabled children and young people and to support their carers.

The proposed procurement route supports the discharge of these duties. Use of the competitive flexible procedure under the Procurement Act 2023 provides a lawful and proportionate route to market, enabling the Council to prioritise quality, safeguarding and outcomes while maintaining compliance with procurement law and minimising the risk of legal challenge.

The services are currently being delivered by Action for Children Services Limited. This contract, which is governed by the Public Contract Regulations (PCR's) is dated 1<sup>st</sup> September 2021, the commencement date being the same date, and was for an initial term of 4 years with an initial expiry date of 31<sup>st</sup> August 2025. In addition, the contract includes an option to extend by two further 12 month periods. One of these periods has already been utilised by the Council, which is why the current expiry date for the contract is 31<sup>st</sup> August 2026. The Council now seeks to exercise its right to extend the contract by a further 8 months, with a new expiry date of 31<sup>st</sup> March 2027.

Regulation 72 of the PCR's provides that the permitted grounds for modifying public contracts that are governed by the PCR's. Whilst we note the earlier reference to the PA23, there is no legal requirement to assess or reference permissibility under PA23 when modifying this contract as it is governed by the PCR's. Having reviewed the contract between the Council and Action for Children Services Limited, whilst the Council is not utilising the full 12 month extension, legal advice is that the further extension sought of 8 months, is a permitted modification under the PCR's as the contract contains a clear, precise and unequivocal review clause for a right to extend the term.

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### **Financial Implications:**

The medium term financial strategy currently assumes a cost neutral position. Following completion of the engagement phase the final model proposal and financial implications will be brought back to Cabinet for approval of the contract award. Any additional costs would need to be included in the revised medium term financial strategy and increase the forecast funding gap in future years.

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**Appendices:**

- Short Breaks Re-Commissioning Needs Assessment
  - Short Breaks Re-Commissioning Timeline Plan
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**Background papers:**

None

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

<b>Term</b>	<b>Meaning</b>
ASD	Autistic Spectrum Disorder
CFP	Competitive Flexible Procedure
DRM	Disability Resource Management
EHCP	Education, Health and Care Plan
LD	Learning Disability
MIM	Market Information and Intelligence
PA23	Procurement Act 2023
SEMH	Social, Emotional and Mental Health
SEND	Special Educational Needs and Disabilities
SME	Small and Medium-sized Enterprise
VCS	Voluntary and Community Sector