

Report to Cllr N Jupp, Cabinet Member for Learning and Skills

September 2022

Procurement of a Framework for Short Breaks for Disabled Children and Young People

Report by Ms L Butler Director of Children, Young People and Learning

Electoral divisions: All

Summary

Short breaks enable children and young people with additional needs and disabilities to try new experiences, both with and away from their siblings and parent carers. Short breaks can also give parent carers a break from their caring role.

Currently short breaks services are provided through contracts tendered via a Dynamic Purchasing System (DPS) which will expire on 31st March 2023. This report seeks approval for the commencement of a procurement to ensure the provision of short breaks services continues from 1 April 2023. The proposed methodology for procurement and model for delivery will support flexibility, personalisation and value for money.

Recommendations

The Cabinet Member for Learning and Skills is asked to approve:

- (1) The commencement of a procurement process to establish a new framework agreement for commissioning short breaks to run for a period of four years commencing 1 April 2023, with an option to extend for a further 3 years as set out in paragraph 2.1 of the report.
 - (2) The delegation of authority to the Director of Children, Young People and Learning to award places on the framework, and any subsequent award relating to these contracting arrangements, for the initial 4-year period and to extend the framework if required, subject to this being affordable with the limits of the planned budgets.
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Proposal

1 Background and context

- 1.1 In April 2011 the Breaks for Carers of Disabled Children Regulations (2011) came into force. Under this Duty, local authorities are legally bound to provide a range of short breaks services including:
- daytime 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.
- 1.2 The criteria applied for access to short breaks in West Sussex are children and young people under 18 years of age who:
- are resident in the County and
 - whose families are in receipt of either the middle or high care component of the Disability Living Allowance (DLA) or Personal Independence Payments (PIP) for their child or young person. Children and young people not receiving DLA or PIP, but with equivalent needs, are also able to access Short Breaks.
- 1.3 Short breaks cover a range of activities from a summer play scheme, evening cinema trip or a fun day for the whole family. Short breaks enable children and young people with additional needs and disabilities to try new experiences, both with and away from their siblings and parent carers, giving them the opportunity to learn new skills, develop their confidence and have fun! Short breaks also give parent carers a break from their caring role, giving them a chance to rest, catch up on day-to-day activities and spend time with other family members. There is [strong evidence](#) that short breaks support the health and well-being of the children and young people receiving the break and also other family members. As families feel well supported and therefore more resilient this offers potential for less draw on specialist services provided by the County Council both in children's and latterly adults' services.
- 1.4 Currently in West Sussex short breaks are provided through block contracts competitively tendered via a DPS (Cabinet Member decision [CH04 \(15/16\) refers](#)). There are seventeen providers delivering services under thirty-two different contracts across the County. The current contracts began in April 2016 for a five-year period, with the option of a two-year extension. This option was taken up (decision [OKD32 \(20/21\) refers](#)) and therefore current contracts cease on 31 March 2023. There is no further option to extend the existing contracts beyond this date.
- 1.5 As the current DPS for sourcing these services comes to an end, the intention is to recommission these services in a way which continues to meet demand most effectively, aligns strategically with partners and national best practice and is fit for the future. This proposal covers educational or leisure activities for disabled children outside their homes and services available to assist carers in the evenings, at weekends and during the school holidays. (The other areas of work are covered under other arrangements).

2 Proposal details

- 2.1 It is proposed to set up an Open Framework to commence from 1 April 2023 for 7 years (4 years plus two additional extensions of 2 years and 1 year respectively). Creating a Framework with a length of 7 years will allow services

to become established and provide continuity of delivery and support market stability.

- 2.2 This decision also seeks approval from the Cabinet Member to delegate authority to the Director of Children, Young People and Learning to award places on the Framework on completion of the procurement process which will be the subject of a further key decision as appropriate, and to extend the framework if required.
- 2.3 There will be three Lots on the Open Framework Agreement:
- Lot 1 – Family activities – such as Family Fun Days. These events allow the whole family to come together and enjoy activities as a family. It will allow them to build relationships together.
 - Lot 2 – Weekend/school holiday activities breaks and small group work. These breaks will happen predominantly in the school holidays and at weekends. There will be a mix of activities at venues and in the community. There will be small and medium/large sized groups and staffing ratios will reflect the differing needs of the children and young people. There will also be specific groups focusing on independence skills and preparing young people for adulthood.
 - Lot 3 – Innovation and pilots. Funding can be used in a number of ways
 - a) to undertake a specific project/piece of work to pilot an idea
 - b) to fill an identified gap in provision identified by the provider/commissioners
 - c) to respond to a gap identified by children/young people and/or their families.

Lots 1 and 2 will have sub-categories:

Lot 1

Sub Lot 1a - examples include meeting in a local park or community building, activities available could include a walk, picnic, access to toys and equipment, art and craft activities.

Sub Lot 1b - examples include sports-based, swimming, interactive sessions, these could involve a couple of external partners, visits to activity centres where there's an entrance fee i.e. soft play

Sub Lot 1c - examples include multiple activities, often including a significant number of external partners i.e. animals, magicians and/or specialist staff

Lot 2

Sub Lot 2a - Small groups for CYP under 18 years of age, with extreme behaviour that challenges and/or severe autistic spectrum conditions, those with complex health needs or profound and multiple learning disabilities, or those with complex needs that require a higher staff ratio, typically one children/young people to one member of staff.

Sub Lot 2b - Small groups for CYP under 18 years of age, with behaviour that challenges and/or autistic spectrum conditions, or those with needs that require a higher staff ratio, typically two children/young people to one member of staff.

Sub Lot 2c - Medium/large group work (minimum of 10 children and young people)

Sub Lot 2d - Transition to adulthood groups for children and young people aged 14-18 years (minimum of 10 children and young people)

The Lots and Sub Lots will be allocated based on district and borough boundaries, to ensure a spread of services across the County. Providers will be able to bid for any of the Lots and any of the Sub Lots.

- 2.4 Providers who apply to join the framework will have their applications assessed and awarded a pass or fail; inclusion onto the framework does not guarantee any work.
- 2.5 The Framework will be “open” so that new providers can join post April 2023 and will remain open for new providers to apply for a place for the remaining duration of the Framework. All new providers applying for a place will go through the same evaluation process to assess their suitability for admission to the Framework; those who meet the criteria and standards required will be awarded places on the Framework. New providers awarded places on the Framework will be approved under the Director of Children, Young People and Learning’s onward scheme of delegation.
- 2.6 When services for children and families are required Framework providers will be invited to tender for short breaks work under the different lots/categories. A formal tendering process will be undertaken via a mini-competition in accordance with the terms of the Framework Agreement and work awarded to the successful provider/providers. Authority to award the contract will be in accordance with the Director of Children, Young People and Learning’s onward scheme of delegation.

3 Other options considered (and reasons for not proposing)

- 3.1 West Sussex County Council has to ensure that it meets its statutory duty to provide a short breaks programme. Other options considered were as follows:-
- 3.2 Option 1: Do Nothing – Rejected. The contract would end and there is no option to extend the contracts and therefore the Council would be failing to meet its statutory duty if short breaks were not provided.
- 3.3 Option 2: Join another local authority’s contracting arrangements for short breaks – Rejected. Research has shown that local authority approaches vary and therefore would not meet the needs of the County Council.
- 3.4 Option 3: Collaborate with another local authority to develop a service -also rejected for the same reason as above.

4 Consultation, engagement and advice

- 4.1 An extensive range of consultation and engagement with children, young people and their parent carers and market engagement took place between February and early June 2022; further details and the outcome of this is set out below.

4.2 Members

The Cabinet Member for Children and Young People (Lead Member for Children) has been briefed on the re-procurement of short breaks provision and is supportive of the proposed approach.

4.3 Children and Families

Three virtual (MS Teams) engagement events were run with parent carers in February 2022; these took place during the day and in the evening to maximise engagement. Running concurrently with the engagement events was an online [survey](#), which was run through the West Sussex Engagement Hub. The feedback was that families wanted more Family Fun Days and more breaks in the school holidays, particularly the summer.

A second online survey was run during May/June 2022 and this had four specific questions to test out whether parent carers agreed or disagreed with the draft proposals for the new short breaks programme. Additionally the [West Sussex Parent Carer Forum](#) ran Facebook polls asking the same four questions to parent carers. The results of the survey confirmed the initial findings, which have fed into the design of the new programme, that families want more Family Fun Days, school holiday provision, breaks that help young people plan for adulthood and more breaks for children and young people who need smaller groups.

In February 2022 a young person's survey also ran and in May a face-to-face engagement event for young people also took place. Young people told us that they wanted more activities and to do more activities with their whole family.

4.4 Existing and potential short break providers

Three virtual (MS Teams) engagement events were run with existing and potential providers in February 2022; these took place during the day and in the evening. Providers were also able to respond via the online survey, which was run through the West Sussex Engagement Hub. The feedback was that overall providers were happy with the current arrangements. The duration of some contracts was increased following feedback from providers, as longer contracts supported them to recruit staff and plan services more efficiently.

In May/June 2022 further engagement sessions (MS Teams) took place with key strategic providers to discuss the Council's proposed approach to commissioning the new short breaks programme. As a result of this feedback the Council has adapted its commissioning approach i.e. extending the duration of some contracts, in order to ensure that there will be a mixed, vibrant provider market.

4.5 Internal colleagues

Discussions about future priorities and the shape of the new short break programme has included representatives from Social Care including the Children with Disabilities Teams, Special Educational Needs and Disabilities (SEND) Commissioning Team, Early Help, Health Commissioning, Adult Services, Finance, Legal and Contracts and Procurement Services.

Many of these services have representatives who sit on the Steering Group that is shaping the new short break programme.

4.6 Other Local Authorities

A desk-based exercise was completed looking at different models of short breaks across every local authority in the country. Discussions have also taken place with colleagues from neighbouring local authorities to find out more details about these models and what opportunities existed for joining other authority's short breaks contracting arrangements.

5 Finance

5.1 Revenue consequences

The overall expected cost of the new service over the 7 years will be £7,127,400 excluding any assumptions for inflation. There are no revenue implications from this decision. All resources to meet the County Council's statutory requirement to provide Short Breaks can be met from existing budget allocations. There are no capital consequences.

The Framework Agreement will have no minimum value or any commitment to expenditure by the Council.

	Current Year 2022/23 £	Year 2 2023/24 £	Year 3 2024/25 £	Year 4 2025/26 £
Revenue budget	1,018,200	1,018,200	1,018,200	1,018,200
Change from Proposal	0	0	0	0
Remaining budget	1,018,200	1,018,200	1,018,200	1,018,200

5.2 The effect of the proposal:

(a) **How the cost represents good value**

Many providers supplement their Short Breaks funding with fund raising and grants. Research in July 2020 showed the match funding and in-kind contributions exceeding £500,000. Additionally families benefit from having access to other services from the provider not funded via Short Breaks i.e. access to sensory rooms, support from staff.

(b) **Future savings/efficiencies being delivered**

It is not anticipated that financial savings will be made on Lots 1, 2 and 3. This is a preventative service that seeks to maximise outputs and optimise outcomes.

Our commissioning intentions will look at different ways of working which will achieve the same outcome but be more cost effective i.e. where appropriate small group activities as opposed to 1:1 (adult:child) breaks.

(c) **Human Resources, IT and Assets Impact**

None

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
The new Short Breaks programme may not	Surveys and engagement sessions were undertaken with children and young people at the

Risk	Mitigating Action (in place or planned)
meet the needs of families	<p>start of the process to ensure needs could be identified and built into the specification.</p> <p>Two monthly updates are provided to parent carers about the new programme.</p> <p>An additional short survey was undertaken in May 2022 to test out the ideas for the proposed new programme and the feedback has been incorporated in the proposed programme.</p> <p>A parent carer representative sits on the Short Breaks Steering Group to provide input from a service user point of view.</p>
Lack of engagement from parent/carers and young people in shaping the new programme.	<p>Virtual engagement sessions undertaken at different times of the day. Individual sessions offered to parent carers who couldn't make the virtual sessions.</p> <p>Survey deadline extended by a week to allow additional time for survey to be completed.</p> <p>A second short breaks survey for parent carers in May/June 2022. Facebook survey hosted by the West Sussex Parent Carer Forum also ran alongside to maximise reach.</p>
New commissioning arrangements may disadvantage some providers.	<p>Engagement sessions have been undertaken with providers, as well as an online survey to obtain their views and incorporate their feedback.</p> <p>Approach to commissioning document shared with strategic providers and meetings set up with each of these providers to obtain their feedback/comments.</p>
Lack of providers submitting an application to join the Framework	Regular engagement with existing providers and ongoing opportunities for new providers to apply

7 Policy alignment and compliance

7.1 Our Council Plan

Delivery of short breaks supports [Our Council Plan](#) under the following priorities:

- Keeping people safe from vulnerable situations.
- Helping people and communities to fulfil their potential.
- Making the best use of resources.

7.2 Legal implications

The Council will enter into a services contract using terms and conditions, approved by Commercial Legal Services and compliant with section 10 of the Council's Standing Orders on Procurement and Contracts.

7.3 Equality duty and Human Rights assessment

All West Sussex children and young people who meet the eligibility criteria have a right to access Short Breaks from the local authority. Disability is a protected characteristic under the Equality Act and this contract will provide services for children and young people with this characteristic. Short break providers will be expected to have recruitment, retention and staff employment and management policies and procedures in place that adheres to equality and human rights legislation.

7.4 Climate Change

The County Council has committed to be net carbon zero by 2030 and is taking action to achieve this across the Council's estate and operations. Commissioned services under the new open framework agreement will be located across West Sussex, limiting the need for extensive travel, and therefore emissions, for families. There will also be opportunities to develop the virtual online Short Breaks offer which reduces travel and increases reach. Where possible and practical to do so, short break providers must take steps to limit carbon emissions associated with the delivery of the Services. The Council reserves the right to request evidence of the steps the Provider is taking as part of the contract monitoring process.

7.5 Crime and Disorder

Providers will be required to adhere to legislation, including Disclosure and Barring Service checks of all staff.

7.6 Public Health

One of the key goals for the West Sussex Joint Health and Wellbeing Strategy 2019-24, under the 'starting well' priority, is that Children and Young People are healthy and independent and that services therefore work to ensure comprehensive pathways and care packages are available to support them. Recognising the positive impact that this can have on young people's physical and mental health and wellbeing and life chances.

Commissioned service outcomes include ensuring that Children and Young People attain and maintain their optimum level of health, safety, welfare and lead a fulfilling life. The new framework agreement will allow existing services to continue and increase supply as more providers are enabled to join.

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Background Papers - None