

Report of Commissioning & Market Management Service

Report to the Deputy Director of Children & Families (Social Care)

Date: 01/05/19



Subject: To procure targeted short breaks for children and young people with additional needs from 1st April 2020 by way of a competitive tender.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report seeks the approval of the Deputy Director of Children and Families to undertake a competitive procurement process for the delivery of targeted short breaks for children and young people (cyp) with special educational needs and/or disabilities (SEND). The contract will start on 1st April 2020 for three years to 31st March 2023 and will have 2 twelve month extensions.
2. Children and Families Commissioning Team has been leading a review of short breaks from early 2017. Key findings from the review were drawn together and used to construct a number of options for targeted short breaks services. Following a detailed options appraisal the recommendation was to commission part of the short break offer via a competitive tender.
3. The contract will be split into two lots, the first delivering residential targeted short breaks and the second delivering weekend short breaks. Both lots will deliver services to children and young people with more significant/complex needs.
4. Alongside the contract, other targeted short breaks will be allocated via a competitive, grants allocation process, benefiting children and young people with moderate additional needs.

5. Funding recommendations for the contract will be based on awarding each lot to the highest scoring bidder. The tender assessment team will be made up of representatives from Children's Social Work Service, Children & Families Commissioning Team, the Short Breaks Coordinator, parents & carers and young people. The wider project team will include colleagues from HR, Legal and Finance and other stakeholders from universal and specialist short breaks services.
6. Successful provider/s will be monitored to ensure value for money and positive outcomes for families are delivered throughout the period of delivery.
7. The annual budget for **all** targeted short breaks for 2020/21 is £560,000 and the contract detailed in this decision will not exceed £240,000 annually. The remaining £320,000 will be commissioned via a competitive grants allocation process in line with the current commissioning method and this decision will be published on the list of forthcoming key decisions shortly. This dual approach will enable us to put in place longer term support for children and young people with more significant needs whilst maintaining a flexible offer for all other cyp whose needs can be met in other targeted services.
8. This contract is designed to provide a targeted short break for children and young people with significant additional needs, sometimes medical needs requiring specialist training and or/personal care. The cyp accessing this service would not be able to have their needs met in other, targeted services. With this in mind the project team feel quality is significantly important with this contract. The report is therefore seeking permission to waive contract procedure rule 15.2 and for the tender to be split on 70% quality and 30% on price.

Recommendations

9. The Deputy Director of Children and Families is recommended to agree the implementation of a competitive tender for the delivery of weekend and residential targeted short breaks services from 1st April 2020 to 31st March 2023. The decision will benefit children and young people with SEND and their families by funding high quality short breaks. The total budget is up to £240,000.
10. The Director of Children and Families is also recommended waive contract procedure rule 15.2 and to approve the tender split of 70 % quality and 30% price.

1 Purpose of this report

- 1.1 This report seeks the approval of the Deputy Director of Children and Families to undertake a competitive procurement process for the delivery of two targeted short breaks services for disabled children and young people for three years from 1st April 2020 to 31st March 2023 plus two, twelve month extensions.

2 Background information

- 2.1 Since April 2015, the allocation process for targeted short breaks funding has been administered by Children's Commissioning and Market Management in partnership with parents and carers (via EPIC), children and young people, the voluntary sector, and the former Complex Needs Service. Applications are invited via YORtender ensuring the opportunity is visible to a wide range of prospective providers. The panel, Chaired by Commissioning and Market Management, scores applications according to identified priorities and makes funding recommendations to the budget holder for approval.
- 2.2 The purpose of short breaks is to enable disabled children and young people who require targeted services to access a variety of activities in their locality both in term time and school holidays. This provision should:
- enable disabled children and young people to take part in positive, fun activities of their choosing and support their preparation for adulthood
 - give parent carers a valuable break from their caring responsibilities and help prevent family breakdown
- 2.3 Paragraph 6(1) (c) of the Children Act 1989 requires Local Authorities to provide services designed to assist carers of disabled children by giving them breaks from caring. This Duty came into force on 1st April 2011 and requires each Local Authority to:
- Offer short breaks as a preventative early intervention strategy;
 - Offer a range of short breaks services to parents/carers;
 - Publish a statement of those services to parents/carers and to regularly review the statement.
- 2.4 A short breaks commissioning review has recently concluded with the remit of reviewing all short breaks services, from universal provision, targeted support and specialist short breaks. The Project Team included representation from parent/carer group EPIC and undertook a significant amount of consultation with all stakeholders including families, providers, and professionals.
- 2.5 In terms of targeted short breaks specifically, findings from the short breaks review can be summarised as follows

- Providers report an increase in the number of children and young people with higher level needs accessing their targeted services.
- Commissioned short breaks are not spread geographically equally across the city.
- Children and families value weekend and school holiday provision as well as a range of activities.
- Short term grant arrangements are resource intensive for commissioners and providers and does not allow them or families the stability of knowing services will be funded on a longer term basis.
- Targeted services are currently delivered to children and young people with a wide range of needs, from mild/moderate to complex.
- Short breaks are extremely valued and play an important role in supporting families.

2.6 In an attempt to address some of the findings from the review, the grants panel allocating funding for 2019/20 targeted short breaks advertised the intention to increase weekend and school holiday provision and provision in the south of the city.

2.7 19/20 grants were allocated to school holiday activity schemes, sports groups, youth clubs, residential weekends, dance groups and so on. There has been a significant increase in services in the South of the city and an overall increase in weekend and school holiday provision.

2.8 Having made significant progress on two of the key aims of the review, the increase in weekend and holiday provision and improving the geographical spread of services, and having sought ongoing feedback from providers, the project team has reviewed the commissioning recommendations.

3. Main issues

3.1 Targeted services helps ensure Leeds City Council meets a statutory duty to provide short breaks to children/young people with SEND.

3.2 The preferred commissioning option identified by the review team and ratified at the Short Breaks Steering Group is to undertake a competitive procurement process for the delivery of weekend and residential short breaks for children and young people with significant/complex needs.

3.3 The contract will have two lots, one for residential short breaks and one for weekend provision. Both will be for children and young people with significant additional needs. Further targeted short breaks will be commissioned via a grants

allocation panel and will complement the tendered services.

- 3.4 Leeds City Council has an internal service provider currently delivering some targeted residential short breaks to children with moderate needs. Work is underway to ascertain whether a service level agreement can be put in place, in line with Contract Procedure Rules, to enable this provision to continue outside of a commissioning exercise (running alongside the new contract). The commissioned provider will deliver services to children and young people with significant/complex needs.
- 3.5 A procurement project team is established which includes representatives from:
- Social Care
 - Child Health & Disability Team
 - Early Help
 - Children & Families Commissioning & Market Management
 - EPIC Leeds (parent/carer forum)
 - Universal & Specialist short break provision
 - Children & Young people with SEND (at scoring stage)
- 3.6 This contract is designed to provide a targeted short break for children and young people with significant additional needs, sometimes medical needs requiring specialist training and or/personal care. The cyp accessing this service would not be able to have their needs met in other, targeted services. With this in mind the project team feel quality is significantly important with this contract. The report is therefore seeking permission to waive contract procedure rule 15.2 and for the tender to be split on 70% quality and 30% on price.
- 3.7 The tender evaluation will comprise of:
- Written tender questions to a panel that includes representation from parents/carers
 - Presentation to a children & young people's panel
- 3.8 This is a demand-led service and families will refer directly to service providers. The provider has a duty to ensure referrals are appropriate, signpost where not and to manage any waiting list proactively. This will be measured on the quarterly performance return and discussed at the quarterly monitoring meeting.
- 3.9 Providers will be subject to a comprehensive contract management framework and a Commissioning Officer will undertake quarterly monitoring meetings reviewing performance and outcomes for children and young people.

- 3.91 Working towards strategic outcomes as detailed in the Children and Young People's Plan 2018-23 (see 4.3.1) will form part of the Terms & Conditions signed by successful providers and individual outcomes will be monitored by a Commissioning Officer as part of the contract management framework.
- 3.92 There will be a long mobilisation process built into the procurement timeline to allow the successful provider/s time to identify a venue, recruit staff, deal with any TUPE implications etc should any of these be relevant. This time will also enable Officers to ensure continuity of support for children and young people.

Consequences if the proposed action is not approved

- 3.93 If this decision is not approved, there is a risk that disabled children, young people and their families will lose much valued services. One of the primary aims of short breaks is to prevent family breakdown and should these services cease, families may be at increased risk of breaking down.

Advertising

- 3.94 The value of the contract will exceed the OJEU threshold of £589,148 and will be advertised as such. It will also be advertised on Yortender.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Stakeholder consultation formed a significant part of the short breaks commissioning review. Children and young people, parents and carers, parents' participation groups and a wide range of professionals were consulted both face-to-face, online or during short breaks engagement sessions.
- 4.12 The tender process will include a provider presentation to children and young people with special education needs and/or disabilities.
- 4.1.3 Service providers have been informed of the intention to deliver targeted short breaks through a contract as well as grants from April 2020.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment has assessed there are no adverse implications for equality, diversity, cohesion and integration resulting from this decision. These services benefit children and young people with SEN and disabilities and their families.

4.3 Council policies and Best Council Plan

- 4.3.1 This fits with the Children and Young People's Plan 2018-2023 priorities to;
- Ensure that the most vulnerable are protected
 - Help children and parents to live in safe, supportive and loving families
 - This service will also help prevent family breakdown, in line with the obsession of safely reducing the number of children looked after.

4.4 Resources and value for money

- 4.4.1 This option represents best value for money because it secures vital services to enable disabled children and their families to access targeted short breaks with the aim of preventing family breakdown.
- 4.4.2 This report is seeking permission for the tender to be evaluated on price and quality: 70% quality and 30% price.
- 4.4.3 There is a budget of £240,000 in place to cover the value of this decision.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This decision is not subject to call-in.

4.6 Risk Management

- 4.6.1 If this decision is not approved, there is a risk that disabled children, young people and their families will lose much valued services and that families may potentially be at increased risk of breaking down. Family breakdown and subsequent increase in number of children looked after would result in an increased pressure on statutory services.
- 4.6.2 A risk register is in place and managed by the project team.

5. Conclusions

- 5.1 The Deputy Director of Children & Families is recommended to note the contents of this report and approve the procurement of targeted short breaks for children and

young people with additional needs from 1st April 2020 by way of a competitive tender.

6. Recommendations

- 6.1 The Deputy Director of Children and Families is recommended to agree the implementation of a competitive tender for the delivery of weekend and residential targeted short breaks services from 1st April 2020 to 31st March 2023. The decision will benefit children and young people with SEND and their families by funding high quality short breaks. The total budget is up to £240,000.
- 6.2 The Director of Children and Families Services is also recommended waive contract procedure rule 15.2 and to approve the tender split of 70 % quality and 30% price.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.