

Divisions Affected – N/A

CABINET MEMBER for SEND Improvement

13 December 2023

Recommissioning of the Community Short Breaks for Disabled Children for 1 April 2024

Report by Corporate Director of Children's Services

RECOMMENDATION

The Cabinet Member is RECOMMENDED

To delegate authority to the Corporate Director for Children's Services, in consultation with the Deputy Monitoring Officer and Head of Legal, to award contracts to the value of the agreed budget following the completion of the procurement process for the recommissioning of the Overnight Residential Short Breaks for Disabled Children, to enable new contracts to be in place for 1st April 2024.

Executive Summary

1. The Local Authority has a statutory responsibility in the Children and families Act 2014 to provide short breaks for Disabled Children which will support their family life as part of the Oxfordshire local offer. Under the Children Act 1989 and in the Breaks for Carers of Disabled Children Regulations 2011, the local authority has a duty to provide support to Disabled Children through short break arrangements as far as is reasonably practicable.
2. The Disabled Children's Team support only children with the highest need and without the availability of short break activities, many more children would require support from the Local Authority. Community Short Breaks will enable improved outcomes for children, young people, and families through a range of person-centred activities. Community Short Breaks also provide parents and carers with meaningful breaks from their caring responsibilities, so they are empowered to look after their own emotional and physical health and provide better and more sustainable care to their whole family.
3. Through the commissioning of Community Short Breaks, the council seeks to ensure the local availability of services to meet the needs of disabled children in Oxfordshire. The contracts awarded will provide provision across Oxfordshire in areas identified in the recommissioning process. The current contracts for Community Short Breaks will expire on the 31 March 2024. These contracts have been running for 7 years with no uplift included.

4. A comprehensive needs assessment was carried out using data from the disability register, feedback from families collated by the Short Breaks Team, feedback from providers, co-production and engagement with Oxfordshire Parent Carer Forum and two provider engagement events held in March and June 2023.
5. As a result of the needs assessment an updated specification was developed to address the needs identified, using the budget effectively. This included the identification of key delivery areas and several Lots, including after school, evening, holiday and weekend activities and a Lot to provide community short breaks for autistic CYP without a learning disability. We acknowledged the updated needs assessment identified some potential changes in the current provision.
6. As part of the tender process 14 providers submitted bids to provide Community Short Breaks across all 4 Lots and in delivery areas across Oxfordshire. Contracts have been allocated for the full value of the budget (£1,137,870) to preferred bidders.

Project Context

7. The Council has a statutory responsibility to provide short-breaks¹ for disabled children and young people which will support their family life as part of the Local Offer². Under the Children Act 1989 and in the Breaks for Carers of Disabled Children Regulations 2011, the authority has a duty to provide support to Disabled Children through short break arrangements as far as is reasonably practicable. Disabled Children receiving short breaks have received a children and family assessment to identify their need for short breaks, and these are reviewed every 3-6 months in the Child in Need review. Children receiving short breaks are Children in Need (Section 17, Children Act 1989).
8. The Council provides a range of short breaks for Disabled Children and this kind of care is essential to support Disabled Children to live at home. It is well-recognised that raising a child with a disability can place additional pressures on families which exceed the everyday pressures faced by all families raising children. This pressure can arise because of the complexity of the social, education and health care needs experienced by a disabled child, as well as the limitations of some mainstream services which are unable to provide the necessary support to meet the needs of disabled children and young people. The short breaks services provide preventative support and measures to help families manage with limited Social Care support.
9. As from the 31st August 2023, there were 4440 children and young people on the disability register for children aged 0-18 years living in Oxfordshire, and

¹ Short Breaks Duties - Children's Act 1989 and Breaks for Carers of Disabled Children Regulations 2011.

² 'Local Offer' - Local Authorities are required to publish information about the support and facilities that families can expect to find in their area for children and young people (aged 0-25) who have special educational needs and disabilities. (Children and Families Act 2014)

commissioning of community short breaks contracts ensures Oxfordshire County Council (OCC) continues to meet the needs of vulnerable children and young people. The provision forms part of the continuum of support available to children with special educational needs in local areas.

10. Short breaks should be used to enhance the ability of parents to care for their disabled child and any other children they may have. In performing its duty under the Short Breaks Regulations, the local authority considers a broad spectrum of families and family circumstances and families should not have to reach crisis point before they receive a short break. A survey completed in 2016 and in 2022, demonstrated the importance of community short breaks in providing invaluable support for families.
11. Families have also told us how important the community short breaks services are to them, and if these services are not provided, there is a risk of family breakdown and children potentially being bought into care of the Local Authority and more support is needed to access activities, including specialist activities in the community.

Service

12. The number of children on the Disability Register is increasing and we know from our current providers that demand for Community Short Breaks is high with waiting lists in operation. Many providers are having to limit the number of sessions available to children and young people to ensure there is a service available to as many families as possible.
13. To meet their legal responsibilities OCC originally awarded contracts to the current providers to deliver community short breaks seven years ago (5+2 years). The total budget value was £1,053,283 per annum. Over the lifetime of the contracts staffing and running costs have significantly increased, and there has been no inflationary uplift since 2017, therefore limiting the amount of provision being delivered.

Needs Assessment

14. A full review of the data available in the disabilities register has been undertaken with the following outputs.
15. Heat map showing Registered Disabled Children in Oxfordshire (Appendix 1)
This has informed the identification of delivery areas (Appendix 2) with localities in delivery area 1 requiring the most provision; localities in delivery area 2 requiring provision but not to the same extent as delivery area 1; and delivery area 3 requiring some provision to support a smaller number of children. The allocation of contracts reflects the amount of provision identified.
16. Detailed breakdown of the specific population needs in each of the localities identified (Appendix 3)

The data summary for each of our identified localities was made available to providers so their bids could be tailored to the place in when they will be provided. This has been considered when allocating contracts.

17. Evidence from providers as part of their contract monitoring and during provider engagement sessions held in person, identified the following key themes:
 - Providers are oversubscribed, holding waiting lists and managing access to provision is challenging.
 - Providers are facing increasing costs for service delivery.
18. The views of the families of children with SEND influenced the planning and design of services for 1st April 2024 onwards, to support improved outcomes for children and young people with SEND. Feedback has also been sought from families and Oxfordshire Parent Carers Forum has also been involved in the working group and supported and co-produced the re-tendering process. Families have told us that:
 - There are limited weekend activities available to support families.
 - There is a need to support autistic children and young people that do not have a learning disability. The current provision does not meet their needs well.
 - There is a lack of easy to access provision available and more services are needed for those children and young people with lower needs.
 - There is not enough local provision, choice, or variety for families.
 - More support is needed to access activities, including specialist activities in the community.
 - Families cannot access provision they would like to as the child/young person does not meet the needs/criteria to attend.
 - We need to be better at communicating what services are available to families as families are not aware of what is available, and a directory of service would help.
 - Whilst some of the provision available is excellent, there are some that could do better.
19. The needs assessment highlighted the increased demand for the current Community Short Breaks Service. This has resulted in the recommissioning of similar services for after school and school holiday provision with the addition weekend activities.
20. As part of the needs assessment carried out through the recommissioning process, a significant need was identified for provision suitable for autistic children and young people without a learning disability. For this cohort of children and young people the current offer is not well suited to this identified need. As a result, a Lot has been developed for this specific group of children and young people that will meet this need and add to the overall offer of Short Breaks provision in Oxfordshire.
21. Contracts will be awarded across Lots in the new Community Short Breaks Contracts.

- Lot 1, After school activities.
 - Lot 2, Weekend and school holidays activities,
 - Lot 3 Evening activities
 - Lot 4, Activities for autistic children and young people, without a learning disability.
22. The tender invited potential providers to submit an offer of provision and the number of hours that would be available for the price submitted. This has enabled us to ensure the most competitive price for good quality activities in the places we need them.
23. The specification for the Community Short Breaks Tender also focuses on the quality of activities provided. This has been continued through the award process and will be key component in the contract between OCC and the preferred bidders. Good quality activities have been defined as:
- Develop positive and effective relationships.
 - Be engaging, co-produced with CYP, and meeting the needs of CYP.
 - Enable development of transferable life skills
 - Promote independence and self-confidence.
 - Improve social, emotional and mental health to contribute to emotional well-being.
 - Provide innovative, flexible opportunities for improved outcomes.
24. The new block contracts will provide provision for the Lots and across the delivery areas identified, ensuring access to community short breaks and limiting the risk of lack of access to services where the need has been identified.

Strategic Outcomes

25. In the provision of this Service, the Provider will ensure individual outcomes for each child are available and is able to demonstrate the impact of the Service in delivering outcomes to improve the lives of disabled children, young people and their families.

The Service will also meet the following outcomes: Oxfordshire Local Area Special Educational Needs and Disability Strategy 2022-2027

<p>Strategic Objective 1 Improving outcomes for children with SEND</p>	<p>We want the Local Area to be equipped to effectively secure high-quality outcomes for children with SEND. High quality services that are accessed in a timely manner and at the earliest opportunity have a significant impact on outcomes for children and lay the foundations for better life chances.</p>
<p>Strategic Objective 2</p>	<p>There is a range of provision for children with SEND in Oxfordshire. It is essential that we</p>

Developing a continuum of local provision to meet the requirements of children and young people with SEND	develop more local provision so that more children have their holistic needs met within their own communities.
Strategic Objective 3 Good physical and mental health and wellbeing	We want healthy, happy children and young people who enjoy life. We will work in partnership with children and young people and their families to improve access to both the universal and specialised services they need.
Strategic Objective 4 Improving post-16 education, learning, employment, and training	All young people will have access to high quality provision in education, training, work experience, apprenticeships and study programmes that support them into meaningful, paid employment and provide them with skills for independent or supported living.
Strategic Objective 5 Positive move into adulthood for young people with SEND	All young people with SEND and their families should have a positive experience of moving into adulthood. We want young people with SEND to develop the skills, knowledge and confidence to have choice and control over their adult lives

Financial Implications

26. Contracts will be allocated, and the preferred bidders met all the evaluation criteria and provided costing of their proposed provision under each of the lots applied for.
27. The budget of £1,137,870 will be distributed across all Lots and be spread across Oxfordshire in the delivery areas identified as part of the needs assessment.
28. Whole life costs - The contracts awarded will be 3 years with the opportunity to extend for up to an additional 4 years (subject to further Key Decisions process).

Current budget re existing contract per annum (£)	Year 1 (£)	Year 2 (£)	Year 3 (£)	Total for 3 years (£)	Yr 3 Vs current
No uplift applied for the current contract. (7 years)	Including 8% uplift (£84,287 per annum)	Plus, uplift agreed as per the price review mechanism based on 4% (tbc)	Plus, uplift agreed as per the price review mechanism based on 2% (tbc)		
1,053,583	1,137,870	1,183,384	1,207,052	3,528,306	153,469

Comments checked by: Danny Doherty (Finance Business Partner, Interim)
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Legal Implications

29. The basis of the Council's statutory duty to provide these services is set out at paragraph 1 above. The procurement of the new services has followed a competitive tendering process in accordance with the Council's Contract Procedure Rules which themselves ensure that the Council is compliant with the Public Contracts Regulations 2015 (as amended). Legal Services has assisted with the preparation of the terms and conditions of the proposed contract.

Comments checked by: Jonathan Pool, Solicitor (Contracts)
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Staff Implications

22. There are no new or additional implications and staff resource is included in the project

Equality & Inclusion Implication

23. As there are existing services, the recommissioning process and award of tender do not negatively impact on the disabled children and families in Oxfordshire.

Risk Management

24. As part of the recommissioning process, see below a summary of the Risks and Mitigations in place.

	Risk	Impact 0-5	Likelihood	Mitigation
1	Original budget limitations	5	medium	Fully costed model was included in the original business case and an increase in budget was requested to offset the lack of any uplift in the original contract value for 7 years.
2	Lack of uplift for the duration of the last contract/s and increased provider costs, has limited what can be provided for within the current financial envelope for services from 1/4/24	5	medium	New specification in place that includes options for innovation for how services are delivered. This also enables options for flexibility in allocating funding across Oxfordshire and in using the budget as effectively as possible and "daring to do things differently"

3	Reduction in allocation of budget may cause some providers to withdraw their bids, as they will not be able to provide for tendered services within the financial envelope resulting in gaps in service delivery	5	High	Discussion with providers on Contract Award.
4	Reduction in allocation of budget may cause some providers to be financially at risk	5	high	Discussion with providers on Contract Award.
5	New services/contracts in place from 1 st April 2024 may result in existing contracts ending as from 31 st March 2024	4	high	Services/new specification designed on needs analysis etc. Communication plan in place and CYP supported to access services within the community
6	Due to increased costs, a standstill budget would reduce the number of services being delivered.	5	high	Allocation of budget completed using the financial envelope as effectively as possible
7	Reputational damage if services are closed or reduced	4	high	Communication plan in place
8	Increased strain on the Children's Disability Teams as families will be at risk of crisis if reduced services are in place.	5	high	Support in place for the Children's Disability Service
9	Limited parent/carers engagement	3	low	Communication plan in place and Forum Member part of the Board/working groups
10	TUPE risks	4	medium	Tender documents included TUPE implications
11	Redundancy costs	1	low	OCC does not have any redundancy liabilities

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Appendices: Appendix 1 – Heat Map
Appendix 2 – Delivery Areas
Appendix 3 – Data sheets by locality

Background papers: Nil.

[Other Documents:] Nil

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