

Delegated Decisions by Cabinet Member for SEND Improvement

***Wednesday, 18 October 2023 at 12.30 pm
Council Chamber - County Hall, New Road, Oxford OX1 1ND***

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 25 October 2023 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Martin Reeves
Chief Executive

Date Not Specified

Committee Officer:

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

See guidance below.

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 9am four working days before the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk .

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

4. Recommissioning of the Disabled Children's Overnight Residential Short Breaks (Pages 1 - 8)

Forward Plan Ref: 2023/232

Contact: Charlotte Davey, Head of Disabled Children's Services, charlotte.davey@oxfordshire.gov.uk; Andrea Cochrane, SEND Commissioning Manager, andrea.cochrane@oxfordshire.gov.uk

Report by Corporate Director for Children's Services

To seek approval to award a contract to a new provider, subject to completion of a full tendering process.

The Cabinet Member is RECOMMENDED

- a) **To approve the award of contract to the preferred bidder following the completion of the procurement process for the recommissioning of the Overnight Residential Short Breaks for Disabled Children, to enable a new contract to be in place for 1st April 2024.**
- b) **To approve the budgetary commitment for a period of 5 years (including provision for annual review and uplift) with an option to extend by up to a further 2 years.**

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

This page is intentionally left blank

Divisions Affected – N/A

CABINET MEMBER FOR SEND IMPROVEMENT

18 October 2023

Recommissioning of the Overnight Residential Short Breaks for Disabled Children for 1st April 2024

Report by Corporate Director for Children's Services

RECOMMENDATION

The Cabinet Member is **RECOMMENDED**

- a) To approve the award of contract to the preferred bidder following the completion of the procurement process for the recommissioning of the Overnight Residential Short Breaks for Disabled Children, to enable a new contract to be in place for 1st April 2024.
- b) To approve the budgetary commitment for a period of 5 years (including provision for annual review and uplift) with an option to extend by up to a further 2 years.

Executive Summary

1. The current contract for the Overnight Residential Short Breaks for Disabled Children will expire on the 31 March 2024. The contract has been running for 7 years and a new contract is required to be in place if Oxfordshire County Council (OCC) and the Integrated Care Board (ICB), are to provide this service to disabled children in Oxfordshire. The contract is jointly funded between OCC and the ICB; the contribution from the ICB is support the health care needs of the children whilst they access the service.
2. Through the commissioning of the Service, the Council seeks to ensure the local availability of overnight accommodation and support in Oxfordshire to meet the needs of disabled children in Oxfordshire. Overnights Residential Short Breaks will be available across two buildings, Sycamore Resource Centre and Viking House.
3. Approximately 57 disabled children have overnight residential short breaks identified in their Education Health Care Plans (EHCP's), which is a legal obligation to provide for these children. OCC are legally obliged to continue to meet this obligation subject to a reassessment of need, transition to adult services or moving from the area. If this contract is not awarded and overnight support not provided, the impact on families in Oxfordshire will be significant with families at risk of breakdown and children potentially being bought into care of the Local Authority.

4. Overnight residential Short Breaks will 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 and be co-designed with the child or young person and their family. It will enable improved outcomes for children, young people, and families through a range of person-centred activities offered during the break. These are to develop their independence, prepare for adulthood, learn life skills, form meaningful relationships, and socialise with their peers whilst providing a safe and secure environment for the overnight or daytime stay.

Project Context

5. An increasing number of Disabled Children are living with complex disabilities and health conditions which significantly impact on their everyday lives and the lives of their families. Disabled Children with complex health needs may require nursing support with a high likelihood of hospital admissions which can significantly disrupt family life. It is the Buckinghamshire, Oxfordshire, and Berkshire West (BOB) Integrated Care Board (ICB) responsibility to meet the health needs of these young people.
6. OCC has a statutory duty to safeguard all children and we know that Disabled Children will be high users of health services, both in terms of planned care (such as outpatient appointments) and urgent care (such as A&E). Where possible the strategic aim is to maintain children at home and treat them as close to home as possible. Where hospital admission is necessary the drive is to provide as short length of stay as possible. The developed shared care protocols enable many children to be managed safely in community-based settings.
7. The current contract for the Overnight Residential Short Breaks will expire on the 31 March 2024. The contract has been running for 7 years with no uplift included. A consultation was completed with parent, carers and wider stakeholders on the future model of the service throughout Jan- March 2023. The key findings concluded of the importance and value parents and carers of disabled children, and stakeholders have for overnight residential service and of the invaluable support it provides families.

“The overnight respite that my son currently receives at Sycamore House is a lifeline for my son and I and provides a break for both of us”

“The overnight breaks are possibly the most important help we receive as it gives us time to rest and recover as well as being able to spend time with our daughter doing activities, she enjoys which is not possible otherwise.”

8. When exploring a different model of providing the service in one building, parents and carers were against closing any of the buildings and highlighted the negative impact this would have on children, young people and families.

Our family is at breaking point. Sycamore house is the ONLY respite our family receives. To change it would be devastating.”

“My child has autism and learning disability and would find the change confusing and distressing. Families like ours have enough to struggle with already and when respite becomes something children are anxious about it is no longer respite.”

9. Families have told us how important the overnight residential short breaks service is to them, and if this service was not provided, there is a risk of family breakdown and children potentially being bought into care of the Local Authority.

Service

10. An increasing number of Disabled Children are living with complex disabilities and health conditions which significantly impact on their everyday lives and the lives of their families. Disabled Children with complex health needs may require nursing support with a high likelihood of hospital admissions which can significantly disrupt family life. It is the Buckinghamshire, Oxfordshire, and Berkshire West (BOB) and the ICB responsibility to meet the health needs of these young people.
11. The residential short breaks have been provided by the current provider since 2017 in Viking House in Headington and Sycamore Resource Centre in Banbury, to provide short term overnight care. The contract is funded jointly between OCC and the ICB; the contribution from the ICB is support the health care needs of the children when they access the service. There are 11 overnight beds per night available across the two sites (6 in Viking and 5 in Sycamore) and there are approximately 57 children using the service.
12. OCC has a statutory duty to safeguard all children and we know that Disabled Children will be high users of health services, both in terms of planned care (such as outpatient appointments) and urgent care (such as A&E). Where possible the strategic aim is to maintain children at home and treat them as close to home as possible. Where hospital admission is necessary the drive is to provide as short length of stay as possible. The developed shared care protocols enable many children to be managed safely in community-based settings.
13. To meet their responsibilities OCC and the ICB originally awarded a contract to the current provider to deliver overnight residential short breaks for an initial 5 years with the option to extend for a further 2 years. The contract value was £1,546,000 per annum, funded 50/50 by the LA (Local Authority) and the CCG (now the ICB), with each contributing £773,000 per annum to the service. During the original contract staffing and running costs have increased, and there has been no inflationary uplift since 2017. The contract value was increased for the last 24 months (April 22-March 24) of the contract to

£1.986,000 per annum. This was partly due to the increased complexity of the children supported, the loss of the provider voluntary contribution and the inflationary increases to the contract.

14. The current service operates over 7 nights of the week, and the utilisation of the available beds varies depending on the needs of the children and young people. One other consideration when overnight stays are planned include the general mix of the children staying, as their specific needs can sometime determine that some individuals do not get on well with other children. These factors can therefore limit the number of beds being used at any one time.
15. 57 Disabled Children have overnight residential short breaks identified in their Education Health Care Plans, (EHCP's) which is a legal obligation to provide for these children. OCC are legally obliged to continue to meet this obligation subject to a reassessment of need, transition to adult services or moving from the area.
16. For a new contract, a preferred bid has been submitted within budget, limiting the risk for both OCC and the ICB. The new block contract will provide the bed nights required for the service for at least five nights of the week for 52 weeks per year. For each building, at least one of the nights must be available on either a Saturday or Sunday and an overnight service will be available to Oxfordshire's children and young people across a minimum of 260 nights per year (520 nights in total).
17. The Provider will be able to determine how the remaining nights of the week are used and whether to close the building, and/or offer any available nights of the week to OCC and other Local Authorities for a pay per use basis. Outside of the block contract, the Provider will release any spare capacity in the first instance to OCC and if not required, then the capacity may be released to other Local Authorities.

Strategic Outcomes

18. 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 Developing a continuum of local provision to meet the requirements of children and young people with SEND</p>	<p>There is a range of provision for children with SEND in Oxfordshire. It is essential that we develop more local provision so that more children have their holistic needs met within their own communities.</p>
<p>Strategic Objective 3 Good physical and mental health and wellbeing</p>	<p>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.</p>
<p>Strategic Objective 4 Improving post-16 education, learning, employment, and training</p>	<p>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.</p>
<p>Strategic Objective 5 Positive move into adulthood for young people with SEND</p>	<p>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</p>

Financial Implications

19. The preferred bidder met all the evaluation criteria and provided costing of year one and two. (£1.7m each for years 1 & 2). If OCC is to provide overnight residential short breaks for disabled children, an increase in the existing budget is required.

20. Whole life costs

The decision to award an uplift would be based on the providers demonstrating costs that are beyond the initial contract value

Current budget re existing contract (excluding 22/23) (£)	Year 1 (£)	Year 2 (£)	Year 3 (£)	Year 4 (£)	Year 5 (£)	Total cost 5y (£)	Y5 vs current
Potential uplift (tbc)			3%	3%	3%		
1,546,000	1,700,000	1,700,000	1,751,000	1,803,530	1,857,636	8,812,166	311,636
OCC – 773,000	OCC- 850,000	OCC - 850,000	OCC - 875,500	OCC - 901,765	OCC - 928,818		OCC- 155,818
ICB – 773,000	ICB – 850,000	ICB - 850,000	ICB - 875,500	ICB - 901,765	ICB - 928,818		ICB - 155,818

Comments checked by: Danny Doherty (Finance Business Partner, Interim)
Danny.Doherty@Oxfordshire.gov.uk

Legal Implications

21. The procurement of the new service 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.

There are no legal implications.

Comments checked by: Jonathan Pool, Solicitor (Contracts)
jonathan.pool@oxfordshire.gov.uk

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	Budget restriction	5	High	Costed model against realistic forecasting, that includes budget pressures and service specification developed accordingly
2	Limited parent/carer engagement	3	low	Communication plan in place and OxPCF part of the working group
3	Performance monitoring of the current provider	3	low	Currently monitored and managed by Q&I
4	Tender documents not produced in a timely manner	5	low	Ensure resource is dedicated to the project and monitored in SB Board Meetings
5	No bids received	5	medium	Information provided on the South East Business Portal
6	TUPE risks	4	medium	Costed model included in the Tender documents and included TUPE implications
7	Redundancy costs	1	low	OCC does not have any redundancy liabilities
8	Reputational damage	4	medium	Communication plan in place
9	Length of contract and inflation pressures if inflation high	4	high	Uplift arrangements included during the lifetime of the contract

NAME Anne Coyle
Interim Corporate Director for Adult Services

Annex: Nil

Background papers: Nil.

[Other Documents:] Nil

Contact Officer: Andrea Cochrane
SEND Commissioning Manager
Andrea.Cochrane@oxfordshire.gov.uk
Telephone number 07564 055881

6th October 2023

This page is intentionally left blank