

## ***Delegated Decisions by Deputy Leader of the Council (inc Children, Education & Young People's Services)***

**Monday, 18 September 2023 at 1.30 pm  
Room 3 - 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 Monday 25 September 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

September 2023

Committee Officer: **Democratic Services**  
E-Mail: [committeesdemocraticservices@oxfordshire.gov.uk](mailto:committeesdemocraticservices@oxfordshire.gov.uk)

Note: Date of next meeting: 17 October 2023

**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

### 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](mailto: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 Residential Home (Summerfield)** (Pages 1 - 6)

*Forward Plan Ref: 2023/166*

*Contact: Charlotte Davey, Head of Disabled Children's Services, [charlotte.davey@oxfordshire.gov.uk](mailto:charlotte.davey@oxfordshire.gov.uk) and Andrea Cochrane, SEND Commissioning Manager, [andrea.cochrane@oxfordshire.gov.uk](mailto: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 Summerfield Disabled Children's Residential Home, and to enable a new contract to be in place for 1st April 2024.**
  
- b) **To approve the budgetary commitment for a period of 3 years (including provision for annual review and uplift) with an option to extend by up to a further 4 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.

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**Divisions Affected – N/A**

**DEPUTY LEADER  
(INC. CHILDREN, EDUCATION & YOUNG PEOPLE'S SERVICES)  
18 September 2023**

**Recommissioning of the Disabled Children's Residential Home  
(Summerfield)**

**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 Summerfield Disabled Children's Residential Home, and to enable a new contract to be in place for 1st April 2024.
- b) To approve the budgetary commitment for a period of 3 years (including provision for annual review and uplift) with an option to extend by up to a further 4 years.

## **Executive Summary**

1. The current contract for the Disabled Children's home for 6 children with complex needs will expire on the 31 March 2024. The contract has been running for 7 years with no uplift included and recommissioning of this service will require an increase in budget from £891,000 per annum to £1,779,370 (in year 1). An increase in budget is required during the lifetime of the contract value of £2,705,664 (for 3 years).
2. The recommissioning of the home enables OCC to continue to meet the needs of disabled children We Care For, coupled with increasing complexity of need locally, with fewer children and young people (CYP) being placed in expensive out of county authority placements. The home accommodates disabled children we care for who are currently placed in the home, who require medium to long term care, and are unable to access to foster care or an adoption route. The residential provision closely replicates family life and meets the placement requirements of CYP with complex needs, which cannot be met through foster care or other family placements.

3. A placement in the home enables closer links with foster carers to step down where appropriate and when places become available, there is an opportunity to bring back CYP who are currently placed in more expensive out of county placements to Oxfordshire. CYP accessing a place in the home keeps children close to their birth families and maintain their local schooling, as well as providing a 'wrap around' service for those who may require a specialist health, mental health, or education services locally.
4. The home offers stability and this is a factor for CYP in achieving good outcomes for children we care for, and by looking after young people locally, it is also expected they will make the transition into adult services smoothly.

## **Project Context**

5. OCC have the Summerfield Children's home that comprises of 6 beds for children with disabilities, including children with learning disabilities who have become 'children we care for'. It offers full time residential care to children and young people between 5-17 years of age and 5 of the beds are currently occupied. The sixth bed has become available as a young person has moved on, and assessment of children is currently taking place with an aim to fill the remaining space. The children are *looked after* by the Council and are subject to either a S31 or S20 of the Children's Act 1989. The current children in Summerfield have learning disabilities and may have additional disabilities and needs, including physical disability or mental health needs, an autistic spectrum condition or needs arising from behaviour, emotional or social issues. For those children and young people attending Summerfield, education is not included, and children may attend either a local specialist, academy, or mainstream school. The home is required to react to and cater for emerging requirements and for children with complex needs often require a high level of care and support and require staff that are specialised in this area of work.
6. The number of children who in a residential setting has been growing year on year, as does the number of those with a disability placed in the settings. As of 31/5/23 there are 858 children recorded as a Child We Care For, in Oxfordshire including 57 children (registered with a disability), placed with either, a foster carer, in a kinship, a residential school, residential care, placed with parents or placed for adoption. Some of these placements also include an education element and children are required to attend the school that is linked to the residential setting. Of the 57 children, 31 children are placed in residential settings.

## **Context – Current Service**

7. The Local Authority currently have 18 beds across 3 children's homes that accommodate 6 beds in each (The Moors, Gleblands & The Oaks), and are



developing a further 5 homes adding a further 16 beds. There are also 14 privately run homes in Oxfordshire that would accommodate up to 80 children. Whilst some of the children in these homes may have specific needs, they do not have learning disabilities, or additional disabilities and needs; including physical disability, mental health needs, an autistic spectrum condition or needs arising from behaviour, emotional or social issues that require a specialist provision. There are also two Residential Special Schools that can accommodate up to 43 children (Endeavour Academy and the Mulberry Bush School).

8. Of 40 children placed in residential settings (as of 20/3/23), 29 were placed out of county as far away as Sheffield and Wales, and 11 were placed in Oxfordshire. The primary reasons for placing children in out of county placements has been an inability to match children and capacity in our children's home and/or requiring a local authority residential placement, as well as the lack of educational settings available to meet need. Consequently, OCC have placed children out of Oxfordshire in the private sector.
9. Children and young people with disabilities and/or complex needs are cohorts where the Council experiences greatest challenges in sourcing placements in the market and are often the more expensive placements that are made. The recommissioning of the home will enable OCC to continue to care for children's needs locally and continue to reduce our use of expensive out of County placements. As the current contract has not received any uplift for seven years and from the research completed as part of the recommissioning process, it is clear the current budget for the service will not meet service requirements for the future.
10. Prior to the recommissioning process, a comparison was undertaken on the costs of various residential settings and taking into consideration the comparison costs, it was clear the market was telling us the current budget would not sustain the running of the Summerfield Home or provide a service that would be fit for purpose from 2024. On reviewing the research, costs comparison and market engagement information obtained as part of the commissioning process, the winning bid came within the price range we concluded was required for a disabled children's home from 2024. Therefore, if OCC is to continue to provide a home for Disabled Children We Care For in Oxfordshire with complex needs, an increase in budget based on the costs per week per child of £5,703, is required.
11. If the Home was not recommissioned and OCC would be required to source 6 x placements for the current children on the open market, the expected costs would be significantly higher than those identified in year one of a new contract (£1,779,370). Whilst the increase in budget is substantial, comparison of

children likely to be placed in Summerfield, to those children with similar needs currently in out of county residential placements range from £6,850 -£9,585 per week, compared to the £5,703 costs per week for a new provider to deliver a contract at Summerfield.

## Strategic Outcomes

12. 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**

<b>Strategic Objective 1</b> Improving outcomes for children with SEND	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.
<b>Strategic Objective 2</b> Developing a continuum of local provision to meet the requirements of children and young people with SEND	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.
<b>Strategic Objective 3</b> 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.
<b>Strategic Objective 4</b> 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.
<b>Strategic Objective 5</b> 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

13. Taking into consideration the comparison costs, it is clear the market was telling us the current budget would not sustain the running of the Summerfield Home or provide a service that would be fit for purpose from 2024.
14. Of the three bids received the preferred bidder scored highest and met all the evaluation criteria and provided costings of year one and two. (£1,779,370 yr1 & £1,773,051 year 2). If OCC is to continue to provide a home for Disabled Children We Care For in Oxfordshire with complex needs and for the children currently placed there, an increase in budget is required. This increased budget is based on the costs per week per child of £5,703.
15. There is a shortfall in the existing budget and an increase in the required budget is needed from £891,000 to £1,779,370 in Year 1 and during the lifetime of the contract, and for this to be included as part of the budget setting process. It is also strongly recommended that, in any case, contracts are developed that can be managed in line with future inflation and changes to service level changes, without issues with CPR limits for variations.

## 16. 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 (£)	Year 1 (£)	Year 2 (£)	Year 3 (£)	Total cost 3y (£)	Y3 vs current
				3%		
	£891,000	£1,779,370	1,773,051	1,826,243	£5,378.664	935,243

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

## Legal Implications

17. 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](mailto:jonathan.pool@oxfordshire.gov.uk)

## Staff Implications

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

## Equality & Inclusion Implication

19. 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

20. 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
2	Limited parent/carer engagement	3	low	Communication plan in place

3	Performance issues with the current provider	3	low	Currently monitored and managed by Q&I
4	Limited provider market	5	medium	Provider engagement taken place
5	Tender documents not produced in a timely manner	5	low	Ensure resource is dedicated to the project and monitored in SB Board Meetings
6	No bids received	5	medium	Market engagement exercise completed, and provider engagement event taken place and costed model identified
7	TUPE risks	4	medium	Costed model included in the Tender documents and included TUPE implications
8	Redundancy costs	1	low	OCC does not have any redundancy liabilities
9	Reputational damage	4	medium	Communication plan in place
10	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 Children's Services

Annex: Nil

Background papers: Nil.

[Other Documents:] Nil

Contact Officer: Andrea Cochrane  
SEND Commissioning Manager  
[Andrea.Cochrane@oxfordshire.gov.uk](mailto:Andrea.Cochrane@oxfordshire.gov.uk)  
Telephone number 07564 055881

5 September 2023