

	<p align="center">Children, Education, Libraries and Safeguarding Committee</p> <p align="center">29 July 2014</p>
<p align="center">Title</p>	<p>Short Breaks Commissioning Strategy</p>
<p align="center">Report of</p>	<p>Family Services Director</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Date added to Forward Plan</p>	<p>1 May 2014</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Enclosures</p>	<p>Short Breaks for Disabled Children Commissioning Strategy</p>
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<h2>Summary</h2>
<p>Short breaks give disabled children and young people positive experiences, whilst, at the same time, giving a break to their primary carers. The breaks are designed to contribute to the children’s personal and social development, reducing social isolation and preventing family breakdown.</p>
<p>The commissioning strategy sets out the outcomes the Council wants to achieve through short break services; an analysis of both demand for services and the current range of services that meets that demand and a set of commissioning intentions that will inform what services are procured and how assessed needs are matched to a fair and equitable level of service.</p>
<p>This will inform a procurement exercise commencing this summer for the services directly purchased by the local authority to replace the current contracts that expire at the end of March 2015.</p>

Recommendations

This report seeks:

- i. That the Children, Education, Libraries and Safeguarding Committee approve the commissioning strategy for short breaks for disabled children.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report provides the Committee with information on the commissioning strategy for short breaks provision for disabled children. Once agreed, the Council will then commence a procurement exercise to allow new services to commence on 1 April 2015. The approach outlined in the strategy will ensure that resources will be targeted toward high need whilst avoiding duplications in service delivery and ensuring a fairer access to services.

2. REASONS FOR RECOMMENDATIONS

- 2.1 It is recommended that services are commissioned in line with the strategy to achieve the following high level objectives:
 - Ensure services are targeted at those who most need them.
 - Provide children and families with more choice and control.
 - Improve outcomes and customer satisfaction.
 - Commission services that provide improved value for money.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Cease to Provide the Service

- 3.1.1 The contracts for short breaks commissioning have already been extended for one year (2014-15), and we are required under the London Borough of Barnet (LBB) contract procedure rules to competitively tender for a new service provision. To not fulfil this requirement and cease to provide this service would put the Council in breach of its statutory duty. Moreover, not delivering services would constitute a risk to service users. The services provided through these contracts maintain arrangements for children who have additional or complex needs, thus preventing children falling into the risk of social and family breakdown, and preventing escalation into alternative, more expensive provision.

4. POST DECISION IMPLEMENTATION

- 4.1 The commissioning strategy will be implemented to ensure services are in place for April 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities

5.1.1 Short breaks contribute to the priorities of the Council's Corporate Plan 2013-16 by helping to 'support families and individuals that need it – promoting independence, learning and wellbeing'.

5.1.2 The commissioning of these services within a new strategic framework will enable the Children's Service to continue supporting the priorities of the Children and Young People Plan 2013-16. This includes the priorities to enable those with Special Educational Needs, Learning Difficulties and Disabilities and complex needs to achieve their potential, to ensure services are integrated to support young people as they transition to adulthood, and to take a whole family approach to improving outcomes for children and young people.

5.2 Performance & Value for Money

5.2.1 In order to ensure value for money, the service will undergo a competitive tendering exercise according to the Procurement Contract Procedure Rules. Effective and efficient use of resources in order to achieve best value for money is a legislative duty, and all procurement must be undertaken with regard to high standards of probity.

5.2.2 The strategy also focuses on improvements to the way services are monitored and sets out an improved framework for services with better targeting of support, communication and performance management arrangements as well as joined up working in order to improve the quality and value for money of short breaks service provision.

5.2.3 The procurement strategy will ensure that each lot will be set up in a way that allows a minimum critical mass to be awarded as a block contract with any additional volume purchased via mini-competitions. The block contract level for each lot is to be set carefully and at a level where usage is guaranteed over the life of the contracts, including withstanding the likely projected impact of service – users purchasing elsewhere.

5.3 Resources (Finance, Procurement, Staffing, IT, Property, Sustainability)

5.3.1 Spend on short break services, including direct payments, totals around £1.7m per annum. The budget for the re-commissioning/procurement of short breaks for disabled children will be up to £950,000 per annum. Within this it is likely that some framework contracts (which do not commit the Council to a specific level of spend) will be used to provide flexibility and to help best meet the needs of service users.

5.3.2 Procurement will take place in line with the Council's Contract Procedure rules. Authority to go out to procure is being secured via the Procurement Forward Plan.

5.3.3 Staffing, IT, Property, Sustainability

There are no staffing, IT, property or sustainability implications for the Council

in relation to the presentation of this strategy.

5.4 Legal and Constitutional References

- 5.4.1 Under the Children Act 1989 local Authorities have various statutory duties in relation to children in need. Specifically, Section 17 of the 1989 Act requires that every local authority has a duty to provide a level of services appropriate to those children's needs. Disabled children and young people are defined as children in need by virtue of their disability.
- 5.4.2 The 2011 Short Breaks Regulations set out a number of requirements that local authorities must follow to ensure they perform their duty under the 1989 Act: provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.
- 5.4.3 Contract Procedure Rules direct that for contract values that are over £173,934 a competitive tender is required to award new contracts once they have expired.

5.5 Risk Management

- 5.5.1 The re-commissioning is following project management methodology and risks are being managed through the monthly Project Board.
- 5.5.2 An inability to continue providing short breaks services would place the Council at risk of not fulfilling its statutory duties. It could also lead to requests for alternative, more expensive provision.

5.6 Equalities and Diversity

- 5.6.1 Pursuant to section 149 of the Equality Act, 2010, the council has a public sector equality duty to have 'due regard' to: (i) eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (ii) advancing equality of opportunity between those with a protected characteristic and those without; (iii) promoting good relations between those with a protected characteristic and those without. The, relevant, 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.6.2 Having 'due regard' means: (i) consciously thinking about the three aims as part of the decision-making process; (ii) that an incomplete or erroneous appreciation of the duties will mean that due regard has not been given to them; and (iii) that the duty must be exercised in substance, with rigour and with an open mind.
- 5.6.3 Short Break services support a diverse population of disabled children and young people with a wide range of physical and learning disabilities, sensory

impairments, Autistic Spectrum Conditions and complex health needs including life limiting conditions. The re-commissioning is being informed by the needs assessment to ensure that the needs of Barnet's children and young people are met, in line with the Council's statutory duties, to support them to achieve positive outcomes.

5.7 Consultation and Engagement

Barnet Council consulted with residents between 23 September and 21 October 2013 to find out their views about the current and future delivery of short breaks services. Findings from the consultation have been fed into the needs assessment.

BACKGROUND PAPERS

- Appendix A: Commissioning Strategy for Short Breaks for Disabled Children
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