

	<p style="text-align: center;">CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</p>
<p style="text-align: center;">Title</p>	<p>Authorisation for extending Short Breaks contracts</p>
<p style="text-align: center;">Report of</p>	<p>Strategic Director, Children and Young People Chairman of the Children, Education and Safeguarding Committee</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
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Summary

This report seeks authorisation to:

- let short term Short Break contracts for a period of 6 months from 1st April 2019 to 30th September 2019 to the current Short Break Framework contractors; and
- procure the new Short Breaks contracts for 6 years at a total cost of £3.78million (we already have approval via the forward plan for 4 years and are therefore requesting an additional 2 years).

The Council has a statutory duty to provide breaks to carers of disabled children. Short breaks form part of the continuum of services giving disabled children and young people positive experiences, whilst, at the same time, giving a break to their primary carers.

Family Services hold 8 contracts for Short Breaks. These contracts are due to expire on 31st March 2019. Existing extension options within the current framework contract have already been utilised.

Work has been undertaken to deliver the future Short Breaks offer from 2019 and to ensure a more diverse market to support families going forwards. This service will be retendered via going out to market in February 2019 and awarding new contracts from August 2019 onwards.

A new Qualified Provider list will be established. This will be open during the life of the contracts to allow providers to bid at any time to join the List after the first iteration and award stage. The Qualified Provider list will run for 6 years. At the start of the Qualified Provider list, contracts will be awarded for 4 years plus an option of a 2-year extension (4+2). Contracts awarded part-way through will be awarded for a shorter period of time, so that all contracts awarded from the Qualified Provider list expire on the same day. For example, a contract awarded 2 years into the Qualified Provider list will be awarded for 2+2 years.

Letting new short term contracts to the incumbent contractors will ensure that we have sufficient capacity within local services whilst new contracts are awarded and mobilised. Having sufficient market capacity is essential as families need to book services well in advance for Easter and summer 2019.

The annual contract value for Short Breaks is £630,000.

The maximum cost to the Council for the short term contracts will be £315,000. This is the annual budget for Short Breaks calculated pro rata for a 6-month period.

The contract value for the 6 year Qualified provider list is £3.78million, which is an annual contract value of £630,000. The forward plan for 2018/19 has pre-approved spend up to £1.2million already. The revised budget requirement from the longer term is therefore £2.58 million. This is within the family Services budget for Short Breaks.

Decisions

- 1. To let short term Short Break contracts to the 8 x Short Breaks contracts listed in section 1 of this report for a period of 6 months from 1st April 2019 to 30th September 2019.**
- 2. To set up a Qualified Provider for 6 years to procure Short Breaks services at a value of £3.78million (this is an additional 4 years to the value listed on the 2018/19 contract term, and an addition £2.58million)**

1. WHY THIS REPORT IS NEEDED

- 1.1 This report seeks authorisation to let short term Short Break contracts to eight (8) contracts for Short Breaks from 1 April 2019 to 30^h September 2019, and to set up a Qualified provider list through the Council can award contracts for up to 6 years at a cost of £3.78million.
- 1.2 Short Break Services for disabled children were commissioned under a framework in 2015. Nine providers were awarded contracts in 2015; however, one provider withdrew before the contract commenced. The following eight contracted providers have been delivering services to a high standard

Table 1.

List of Short Break Contracts contracted 1 April 2015-31st March 2019 to be extended

- Action for Kids
- Barnet Mencap
- Community Focus
- Inclusive Play Opportunities Project (IPOP) – Formerly Fairplay Barnet
- Noah’s Ark
- Norwood
- Oakleigh School
- Resources for Autism

1.3 These 8 contracts were extended in 2018-19 in line with the contract terms. The framework is now due to expire on 31 March 2019 and although new contracts will be in place by Summer 2019, new short term contracts are required to ensure business continuity and to enable places to be booked in advance of Easter and Summer holidays.

1.4 Under Contract Procedure Rules, permission to enter into new short term contracts requires approval from a Delegated Powers Report. Permission to procure for a term and cost greater than that pre-approved on the 2018/19 Forward Plan is also required.

2. REASONS FOR RECOMMENDATIONS

2.1 Short Break provision has been reviewed in 2018 and the new service model is being co-designed with input from parent carers and providers, ready for re-procurement in early 2019.

2.2 Following initial consultation with the steering group, providers and families, the original timetable for the re-procurement was extended into early 2019 to ensure:

- sufficient time for public consultation outside of the summer holiday period and to ensure that the tender timescales do not cut across any other key school holidays;
- sufficient time for co-design of the tender process, future service model, and information and policies for families about the future service; and
- market stability and continuity of essential services, ensuring that families can book services well in advance of Easter and summer holiday periods whilst new contracts are mobilised.

2.3 Taking a co-design approach takes time but is essential to ensure that the future service specification, offer and model can respond to the needs of current and future service users and achieve better outcomes for families. The procurement timeline enables Family Services to co-design and offer.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Tender and award contracts prior to April 2019.** An earlier timetable would have enabled Family Services to award contracts prior to March 2019 but this timeframe would not have allowed any time for a public consultation or co-design approach to developing the new service.
- 3.2 **Allow contracts to expire and not let short term contracts.** This option would require spot purchasing of provision. Spot purchase is likely to incur a higher cost per booking and would not deliver good value to the Council. If Short Breaks were not commissioned in advance with providers, this poses a risk to financial stability of providers and risks service failure. 30% of families that responded to the service were not able to access short breaks in the last 12 months due to lack of provider capacity or lack of specialist provision. Operating outside of a contract on a spot purchase model would not enable the market to grow capacity or diversify the service offer.
- 3.3 **Do not recommission and provide everyone with a personal budget and payment to arrange their own short breaks services.** While some families would like to arrange their own breaks, this is not the case for all. 25% of service users that replied to the survey said that they would like to arrange their own services; 48% said they would like a mixture of services commissioned by the Council and some to be arranged by themselves and 25% would like the Council to continue to arrange services for them. 2% did not know. This option would not enable us to continue to arrange services for families and it would not enable the Council to recommend any approved providers to families seeking to arrange their own support from a quality assured, pre-approved providers list.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the decision has been approved, legal contracts will be issued to the eight providers listed in Section 1.
- 4.2 Family Services will hold co-design workshops to develop the service specification for the new contracts and the tender evaluation questions. There will be a workshop for providers and potential providers to attend to support them in preparation for the tender process.
- 4.3 The service will go out to market in February 2019, with the aim of establishing a 6-year Qualified Provider list, and issuing new contracts by September 2019. As providers can apply to join the new approved provider list at any time within

the 6 years, there will be multiple evaluation rounds, and staggered contract start times to support mobilisation.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Short Breaks support key outcomes within with the Children and Young People's Plan 2016 – 2020:

- **Resilience:** Outcome 2 of the Children and Young People's Plan is to ensure that Families and children achieve their best. High quality delivery of this service is fundamental to achieving the Family Friendly Barnet vision of Resilient Families: Resilient Children, and to delivering against Barnet Children's Services Improvement Action Plan, which aims to improve outcomes for children. This includes supporting young people in achieving successful outcomes, and hearing the voice of the child.

5.1.2 This training also supports the following Council's corporate priorities as expressed through the Corporate Plan for 2015-20 which sets out the vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity, to make sure Barnet is a place;

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The total contract value of the original four-year framework for Short Breaks that ran April 2015 to March 2019 is £2,520,000.

5.2.2 The annual contract value for Short Breaks is £630,000. The maximum cost to the Council for the short term lets will be £315,000. This is the annual budget for Short Breaks calculated pro rata for a 6-month period. This is with the Family Services Budget for Short Breaks.

5.2.3 The total contract value for the six-year Qualified Provider list for Short Breaks from appx September 2019 to August 2025 is £3,780,000. The annual contract value is £630,000. This is within the Family Services Budget for Short Breaks.

5.3 Staffing

5.3.1 The specification within the existing framework outlines the Council's requirements for provider staffing arrangements, including quality and

experience of staff, supervision and quality assurance, capacity and sickness cover and employment law regulations.

5.3.2 There are no anticipated TUPE implications arising.

5.4 Procurement

5.4.1 A qualified provider list will be tendered for in February 2019. This will be based on the most economically advantageous tenders, from which the qualified provider list will be established in line with Barnet Council's Contract Procedure Rules. The list will remain open for six years for additional providers to bid to join in the future, and the evaluation of those bids will take place at regular intervals with the evaluation team. Contracts will be awarded for the remainder of the 4-year initial term, with a 2 year extension option.

5.5 Social Value

5.5.1 Some of the short breaks contracts include provision for volunteering and vocational training which contribute to social value. Social value will be included in the evaluation of the future contracts a tender stage.

5.6 Legal and Constitutional References

5.6.1 Under the Children Act 1989 and The Breaks for Carers of Disabled Children Regulations 2011 that into force on 1st April 2011 the Council has a statutory duty to have regard to the needs of carers for a break and the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them.

5.6.2 The Council has a duty to provide, so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively. This includes the provision of a range of day and overnight care, educational or leisure and evenings, weekends; and school holiday activities.

5.6.3 Short term contracts for Short Breaks can be let by the Council as they will be below the financial threshold above which it must comply with public procurement rules requiring contracts to be advertised.

5.6.4 The Qualified Providers List will be set up in compliance with public procurement rules and the Councils Contract Procedure Rules

5.6.5 The public and stakeholder consultation will help to minimise the risks of the Council making any unlawful decisions that might be subject to legal challenge

5.7 Risk Management

5.7.1 High quality delivery of this service is fundamental to achieving the Family Friendly Barnet vision of Resilient Families: Resilient Children which aims to improve outcomes for all children and young people and their families. The risks of not implementing this recommendation would include:

- Risk of providers leaving the market or having insufficient capacity within the market – as a consequence, families would not be able to access the breaks they need from a demanding caring role.
- Risk of providers increasing prices when operating out of contract- resulting in a cost pressure to the Council.
- Lack of continuity of services – causing unnecessary stress for families needing to book breaks in advance

5.8 Equalities and Diversity

5.8.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

5.8.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services

5.8.3 Equalities data is available on current users of Short Break services which can be used for monitoring purposes. Data on protected characteristics is also from the public consultation. This will be used for use in the Equalities Impact Assessment for the new contracts.

5.9 Corporate Parenting

5.9.1 There are some children that access Short Breaks that are in care, for example, to provide a break for foster carers. Market development is required to ensure that there is sufficient provision to meet the needs of children in care in Barnet. This has been built into the commissioning plan for Future Short Break. Where a child is placed in care outside of Barnet, Family Services would incorporate a short break offer as part of the support plan – on a case by case basis.

5.10 Consultation and Engagement

5.10.1 A public consultation with parent carers of disabled children and children with

additional needs was held between 17th August to 16th October 2018 to inform the new service model and offer. The consultation sought to gain the views of both families that have children with disabilities and/or special educational needs and Short Break providers. The survey also included some questions on overnight respite to help plan for future overnight breaks.

5.10.2 The survey was publicised via Engage Barnet, the Local Offer Website, direct emails, social media and through community networks. Parent carers were involved in developing the survey questions to ensure that they cover the key themes that are important to families.

5.10.3 A total of 207 people responded to the online survey, including 170 parent carers; 27 people responding on behalf of a provider and 10 others (professionals; school staff; previous residents of Barnet).

5.10.4 Core themes for the future service included the need for a more diverse market, more flexibility and choice of provider and to be able to go 'off list' to access specialist or bespoke provision; the need for service continuity for children to attend somewhere they know and trust; and the need to cater for young people in transition.

5.10.5 The survey also included questions for providers and workshops were held with providers at the market event on 5th November 2018. Clear themes from providers included the need to support the market through stability of contracts; directly commissioned services and advance bookings.

5.10.6 The final survey report will be published on the Engage Barnet website and publicised via the Local Offer website. Key findings from the survey will be used to shape the future service offer and model, the service specification for the new contracts and the tender evaluation questions.

5.10.7 Parent carers and providers have also been engaged with via two SEND conferences in 2018 and a provider market event, held on 5th November 2018. In addition, the Barnet Parent Carer Forum has consulted with families to gain feedback on the current service.

5.10.8 Co-design workshops are planned for December and January 2018-19 to cover a number of themes which emerged from the consultation. The workshops will be used to shape the future service specification and tender documents:

- Requirements from commissioned services (including specialist support)
- Evaluation and interview questions for the tender process
- Policies relating to funding and bookings
- How to access the service and information available
- Transition

11. BACKGROUND PAPERS

- 11.1 Delegated Powers Report to award Short Break contracts, 2014
<https://barnet.moderngov.co.uk/documents/s20001/Short%20Breaks%20DPR.pdf>
- 11.2 Link the Future Short Breaks public consultation on Engage Barnet website:
<https://engage.barnet.gov.uk/Short-Breaks-Consultation>
- 11.3 Link to the Short Breaks website detailing the current offer, eligibility and list of approved providers: <https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/children-and-young-people-with-disabilities/disabled-childrens-activities>
- 11.4 Link to the 2019-20 Procurement Forward Plan, line 264:
<http://barnet.moderngov.co.uk/documents/s50127/Appendix%201%20-%20Annual%20Procurement%20Forward%20Plan%202019-20.pdf>

Chairman: Councillor David Longstaff
Has been consulted

Date:
1st March 2019

Chief Officer: Chris Munday, Strategic Director- Children & Young People
Decision maker having taken into account the views of the Chairman

Signed:



Date:
28th February 2019