

Decision maker:	Cabinet member young people and children's wellbeing
Decision date:	28 March 2017
Title of report:	Implementation of 2017-2020 short breaks offer for disabled children
Report by:	Children's joint commissioning manager

Classification

Open

Key decision

This is not a key decision

Wards affected

County-wide

Purpose

To approve a new offer of short breaks for disabled children for 2017-2020.

Recommendation(s)

THAT:

- (a) work proceeds to implement an allowance-based scheme for tier 2 targeted short breaks (appendices 3 and 4);**
- (b) the organisations detailed in the tables at paragraph 11 are contracted as approved providers of targeted and specialist short breaks for disabled children; and**
- (c) a contract, valued at £35k per year is awarded for up to five years from 1 April 2017 to Marches Family network to deliver a market support and development service for Herefordshire's short breaks offer.**

Alternative options

- 1 Decide to not award contracts to providers that have met the council's commissioning

objectives and procurement evaluation criteria. This option would lead to the spot purchasing of support packages for individual children outside of any contractual framework. It would cause difficulties in planning services for individual and cohorts of children, as well as risk reputational damage for the council among families and service providers. This option is not recommended.

Reasons for recommendations

- 2 There has been clear support, through consultation and engagement activity, for the implementation of an allowance-based scheme for targeted short breaks. Appendices 3 and 4 describe how the scheme will work.
- 3 The council has completed a procurement exercise for:
 - short breaks direct purchasing system
 - short breaks market support and development service
- 4 Appendices 1 and 2 describe the procurement process and outcomes in detail. Each tender received has been evaluated by the council. A group of 'family envoys' have also provided their feedback, which builds on wider work done to consult and engage with disabled children and their families in the design of a new short breaks offer.
- 5 Confirmation of the intention to award contracts will also enable the council to continue to meet its statutory duties.

Key considerations

- 6 In addition to activities and opportunities that are generally available in the community, the Herefordshire short breaks offer for disabled children for 2017-2020 will include a range of commissioned services. Some children will access a single opportunity, while others may access several commissioned and non-commissioned services depending upon their needs. By 2020, the commissioned programme is expected to:
 - target a short breaks allowance to 175-200 children per year
 - provide c.7,000 hours of specialist daytime activities for approximately 40 children per year
 - support 14-15 children with up to 600 nights of overnight breaks in family-based settings per year
 - support up to 10 children with overnight breaks in residential settings for 500-550 nights per year
- 7 The range of services approved for inclusion in the short breaks offer from April 2017 is described by paragraph 11 of this report, and subsequent tables. The opportunity remains open for provider organisations to submit further proposals for consideration and potential inclusion in the approved menu of services. In addition to the approved services, the council has also established a family-based short breaks scheme within its in-house fostering service, which will be an important part of the local arrangements. Further, the council will continue to be able to spot-purchase packages of care from other providers for individual children, if their needs cannot be met by the approved services. For example, the council is already purchasing short

breaks nights at Martha Trust in Hereford for some children.

- 8 As part of the cabinet decision on 15 September 2016, authority was delegated to the director for children’s wellbeing, following consultation with the director of resources and cabinet member for young people and children’s wellbeing, and subject to confirmation of funding from the CCG to finalise a new short breaks offer, including the award service contracts within the assumed financial envelope as set out in the cabinet report. The decision is being referred to the cabinet member because, whilst indications from the CCG regarding funding have been positive there is to date no confirmation of that element of the funding. A delay in awaiting that confirmation would impact on service availability.
- 9 Subject to consultation to be completed during 2016, cabinet also approved a range of commissioning intentions to improve the targeting of short breaks activities. Consultation has been completed, which showed clear support for an allowance-based system for tier 2 activities and has informed the development of a new scheme that will form part of Herefordshire’s short breaks offer. Appendices 3 and 4 describe how the new targeted allowance scheme will operate.
- 10 An initial procurement exercise for a dynamic purchasing system (DPS) for targeted and specialist short breaks has been completed, which received twelve service proposals across three lots The DPS will remain open so that new providers or services can be evaluated to join the short breaks offer in future.
- 11 Evaluation panels were convened for each lot. Parent carers have also given feedback on key aspects of each of the proposals. Appendix 1 describes the DPS procurement process and outcome in detail. Of the twelve service offers received (from six tenderers), ten were deemed to “Pass” and be accepted onto the approved list, one was deemed a “Provisional Pass” subject to further information being submitted prior to inclusion on the DPS and one deemed a fail, as follows:

(Lot A) Tier 2 targeted daytime activities

Provider	Service Offer	Outcome
Aspire	Summer Activity Scheme	Pass
Aspire	Youth Club and Tea Club	Pass
Aspire	Explore Day Trips	Pass
Crossroads Care	Specialist Skills Clubs	Pass
Marches Family Network	Daytime Activity session	Pass
Provider C	Day Activities	Fail

(Lot B) Tier 3 Specialist daytime activities

Provider	Service Offer	Outcome
Aspire	Buddies	Pass
Marches Family Network	Daytime Activity	Pass
Crossroads	Specialist 1:1 Support	Pass

(Lot C) Tier 3 specialist overnight residential short breaks

Provider	Service Offer	Outcome
Acorns	Overnight Residential	Pass
Aspire	Overnight Residential	Provisional Pass
Orbis	Overnight Residential	Pass

Further information on the subject of this report is available from Richard Watson, children’s joint commissioning manager on Tel (01432) 260123

- 12 Subject to the recommendations of this report being approved, where a service proposal has received a 'provisional pass' a contract may be awarded later if commissioners are satisfied that any remaining clarifications have been resolved.
- 13 Cabinet also decided, on 15 September 2016, to commence the procurement of a service to support and develop the short breaks market in Herefordshire, with a view to awarding a time limited block-contract. Three proposals were received, which have been evaluated by the council. Parent carers have also provided feedback on each of the proposals. Appendix 2 describes the procurement process and outcome in detail. The evaluation panel has recommended that Marches Family Network is awarded a contract, for up to five years (up to three years initially, with options to renew for up to a further two years), to deliver the new service.
- 14 Subject to the decision to award contracts, the council will work with approved providers to mobilise new services and arrangements for April 2017. Key issues to be addressed during the mobilisation period include:
- reviewing and updating the required short breaks statement and related information, published by the council
 - working with families of children current supported by incumbent providers to transfer to alternative services or other arrangements, where necessary
 - finalising and communicating arrangements for the introduction of the targeted short breaks allowance scheme

Community impact

- 15 The commissioning recommendations of this report enable the council and the clinical commissioning group to support disabled children and their families through local provision whilst also continuing to develop a breadth of short breaks provision. The previous report to cabinet (15 September 2016) set out the expected levels of demand for each tier of service.
- 16 **Tier 2 Targeted daytime activities:** From April 2017, it is intended to implement an allowance-based scheme. Appendices 3 and 4 describe how the new scheme will work. The new scheme will target more children than the previous block contract arrangement.
- 17 **Tier 3 Specialist daytime activities:** Access to specialist services for an individual is determined by a social care assessment of need. The council currently operates two contracts for specialist buddying services with two providers. One incumbent provider decided not to tender to join the DPS and is withdrawing from the local market. The provider currently supports less than ten children. The council's children with disabilities team is working with the families concerned to plan for children to transfer to new arrangements that meet their needs. This could include, for example, accessing a new DPS service or making use of a direct payment.
- 18 Between them, the three approved providers for this lot are expected to be able to offer sufficient capacity to meet forecasted demand. The choice of activity has increased from the current 1:1 buddying model to include the opportunity for informal friendship groups and larger structured group activities to be provided, subject to the needs of individual children.

- 19 **Tier 3 Specialist family-based overnight short breaks:** this service is operated directly by the council, but does not form part of the recommendations of this report. Cabinet previously acknowledged that, as the service was relatively new, it would be inappropriate to recommission it at this time, but that it would be an important part of the short breaks offer for 2017-2020.
- 20 **Tier 3 Specialist residential-based overnight short breaks:** The incumbent provider of overnight residential short breaks decided not to tender for the DPS. The current block contract will cease on 31 March 2017, at which time it is anticipated that fewer than ten children will be receiving a service at the setting. It is expected that the provider intends to withdraw from the short breaks market.
- 21 Two settings have passed the evaluation criteria, and will be able to offer places for disabled children from the commencement of the DPS in April 2017. Both settings are outside Herefordshire, one just over the North West border, and one in Worcester. Each supports children with different types of need, one focussing on those with life limiting or life threatening conditions, and the other focussing on children with autism and learning disabilities.
- 22 The third provider has provisionally passed the evaluation criteria. The provider submitted an innovative proposal for the development of new residential short breaks provision near Hereford. As a new setting, the provider will need to seek correct registration with Ofsted, the regulator of registered children homes in England. Once the timescale for this, and a small number of final matters have been resolved, it is expected that the provider's proposal can be passed for inclusion in the DPS. At the time of writing this report, it is not anticipated that this service will be operational from 1 April 2017.
- 23 It is anticipated that the DPS services will be able to provide sufficient capacity to meet expected levels of local needs for residential-based short breaks. Providers within this lot, and other lots, may also sell capacity to other private or statutory purchasers to support service sustainability.
- 24 For the children being supported by the incumbent provider, the council's children with disabilities team will continue to work with the families involved to manage their child's transfer to alternative arrangements. Depending upon the needs of each child, this could involve transferring for the long-term to either the council's in-house family based short breaks service, to one of the two approved DPS residential providers, or to direct payments for families to manage their own arrangements. For some children, it could involve transferring to one of those options for an interim period if the family would prefer to wait for the third DPS residential service, which received a provisional pass, to be fully approved and operational. However, it should be noted the timescale for full approval is dependent upon the provider and is not guaranteed.

Equality duty

- 25 Approved providers contracted by the council must have in place (at all times whilst providing any services and in relation to its activities within the United Kingdom) appropriate policies, procedures, and systems in place to monitor and enforce those procedures, to ensure its compliance with relevant Law of the United Kingdom relating to equalities and anti-discrimination, including the Equality Act 2010.
- 26 Work is continuing within social care to better understand the needs of individual disabled children and match them with the most appropriate universal, targeted and specialist short breaks opportunities for them. This approach continues the move

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away from the historic 'standard' model of short breaks provision to one that offers more choice and control for children and families in deciding how best to meet need within available resources. An equality impact assessment has been prepared and will continue to be reviewed over the 2017-2020 period. This has highlighted the following potential inequalities.

- 27 Varying knowledge of, or access to, useful information about short breaks and activities may mean that some families are not taking up the opportunities available to them. Work being done to establish a voluntary disabled children's register will go some way to improving the council's ability to communicate directly with families that might be interested in shortbreaks for disabled children. Ongoing work to improve the availability of information provided at www.herefordshire.gov.uk/shortbreaks and via WISH are also all helping to promote the local short breaks offer.
- 28 Where people are able to identify activities that could meet their needs, inequalities of cost or transport issues can be a barrier for some families.
- 29 Previous consultation and engagement work identified perceptions of a level of inequality among some families and professionals that 'those that shout loudest get the most'. The proposed move to an allowance based scheme for targeted short breaks will provide fairer and more transparent access to short breaks provision but could cause further perceptions of inequalities among some families that have used the previous contracted service. Appendix 2 describes the potential inequalities in relation to the new targeted scheme, and how they will be mitigated.

Financial Implications

- 30 There have been significant cost reductions in recent years as the range of short breaks has been developed to appropriately meet the needs of disabled children. The planning assumptions for 2017-2020 have been that core resources would continue at the 2016-2017 level in a pooled funding arrangement between the council and CCG. The recommendations made by this report can be delivered within the assumed funding envelope, however it should be noted that:
- i. On 15 September, 2016, cabinet decided to continue resourcing of £453,000 per year for 2017-2020.
 - ii. Herefordshire CCG has indicated that it will continue to contribute to pooled budget arrangements from April 2017. In 2016-2017, the CCG contributed £427,000 per year via the better care fund. The CCG intentions and levels of contribution for 2017-2020 have not been confirmed. The council's Chief Finance Officer continues to work with the CCG to achieve clarity about the level of its financial contribution to meet its responsibilities, in line with earlier expectations. Should the CCG contribution be less than anticipated, there could be a financial risk to the Council in meeting statutory duties, and options to address that risk are set out in paragraph 35 below. The demand for, and sustainability of, the short breaks offer will be kept under review.
- 31 The table below sets-out the assumed annual budget for the short breaks offer.

2017-2020 Short breaks offer	Indicative spend p.a.
Brokerage	£25,000
Market Development	£35,000

Targeted daytime activities	£100,000
Specialist daytime activities	£163,000
Specialist family-based overnight breaks	£154,000
Specialist residential overnight breaks	£400,000
TOTAL	£877,000

- 32 Flexibility will be maintained between budget lines to account for changing trends in demand as families exercise increasing levels of choice between different models that could meet their needs, which could include accessing an approved service and/or taking-up the opportunity of a direct payment.
- 33 It is expected that efficiencies will continue to be achieved as a result of:
- improved child assessment practices that ensure that the most appropriate service is provided to meet individual needs
 - implementing a dynamic purchasing system, in favour of block contracts, to ensure that only services used are funded and offer a range of services at different unit costs
 - purchasing overnight short breaks closer to the market rate than has been achieved historically
- 34 As Herefordshire's short breaks offer continues to transition from historical models over the next 3-years, it is anticipated that there could be future changes that influence the allocation of resources by either the council or CCG. For example it is possible that demand increases as a result of improving confidence among families in the offer, but that that demand could be met by more cost effective models of community-based short breaks.
- 35 Should there be significantly different levels of demand than are currently expected, or if the available resources reduce during 2017-2020, the following options will be reviewed:
- the allocation of funding by the council overall and/or joint funding allocations with the CCG
 - scaling-back the market support development service
 - reducing the level of targeted allowance per child and/or refining the targeting criteria
 - cost effectiveness of delivering services in-house or externally
- 36 Should the need arise to review the size or shape of the short breaks offer, as outlined above, any significant changes will need to be introduced in a planned way and will be informed by ongoing community consultation and engagement activity, ensuring that the council's statutory duties are met.

Legal implications

- 37 The council has a statutory duty set out in the Children Act 1989, paragraph 6 of Schedule 2, to provide services designed to minimise the effect of their disabilities on disabled children within Herefordshire and to give such children the opportunity to lead lives that are as normal as possible. There is also a duty to assist the individuals

who provide care for disabled children to continue to do so or to do so more effectively by giving them breaks from caring.

- 38 The duty to provide short breaks for disabled children and their carers is further detailed within the Breaks for Carers of Disabled Children Regulations 2011 in that a council must 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.
- 39 In particular, the local authority must provide, as appropriate, a range of day-time care in the homes of disabled children or elsewhere; overnight care in the homes of disabled children or elsewhere; educational or leisure activities for disabled children outside their homes; and services available to assist carers in the evenings, at weekends and during the school holidays.
- 40 The proposals set out in this report are designed to meet these duties in light of identified need. A failure to provide such services would be unlawful and a breach of statutory duty. The need to consult service users affected by the changes envisaged by this decision has been completed and the impact on protected characteristics considered in the equality impact assessment.
- 41 The council has complied with the contract procedure rules, and where relevant the Public Contract Regulations 2015.
- 42 Legal services have supported the development of framework operating rules and standard contractual terms and conditions to be applied to approved providers.

Risk management

- 43 If the CCG reduces or delays its financial contribution it will pose a risk to the delivery of services. Further risk to partner reputations could arise from community, political or legal challenge. Risk is being managed and controlled through the governance structure, which includes the council's corporate governance arrangements, the better care fund partnership group, the joint commissioning board and the health and wellbeing board.
- 44 If service contracts cannot be awarded or are delayed, there is a risk that provider's will not be able to mobilise for April 2017 and that the management of children transferring to new arrangements becomes challenging. Should there be a gap in service, the children with disabilities team will continue to work closely with families to identify different ways of meeting individual needs.
- 45 Technical challenges may delay the introduction of the targeted short breaks allowance scheme, which is intended to operate digitally by default and make use of existing arrangements, in adult services, for pre-paid cards. Contingency plans are being developed in parallel that would enable the scheme to operate in a more traditional, paper-based, format in its first year if necessary. The allowance scheme is a new approach for Herefordshire, so there is a risk that families may not understand the changes. The council will directly contact the target group to explain the new system, what is available, and how they can access it. Information will also be made available at www.herefordshire.gov.uk/shortbreaks, and commissioners will be working with incumbent providers to help them explain the new approach to their existing service users.
- 46 If the proposals for overnight residential short breaks, submitted by Aspire, cannot be fully approved, there could be a gap in the short breaks offer for a small number of

children. Commissioners will work with the provider to resolve the remaining clarification points. As is normal, the children with disabilities team will work with families to identify the best way to meet each child's needs from the available options. For example, this could involve accessing other approved DPS services, the council's in-house family-based short breaks service, or direct payment arrangements.

- 47 As families exercise choices in short breaks opportunities, it could lead to rising or falling demand for some services. It could mean that some services are unable to meet high levels of demand or put the long-term sustainability of some current services at risk if they are able to attract families with a quality offer or attract additional income from other sources. The market support and development contract to be awarded to Marches Family Network is intended to help the market to respond to changing demand. It will also help to identify additional universal short breaks opportunities as well as potential providers or services that could submit tenders to the DPS, which will remain open.

Consultees

- 48 During 2016, the council undertook a range of consultation and engagement activities to provide opportunities for disabled children and their families to contribute to the design of the short breaks offer for 2017-2020. This included:

- Writing to 800 families about short breaks
- Spoken with children attending summer group activities
- Over 100 conversations with parents and carers through a series of parent / carer drop-in sessions around the county and through a telephone survey
- Meeting with local parent and carer forums and family envoys
- A six week formal consultation about the different options for providing short breaks from April 2017

- 49 Through this work, the key messages from children and families were as follows:

Message 1: Families want short breaks to offer more than a 'babysitting' service. Commissioned services, in particular, should be needs led and outcomes focussed:

Outcomes for disabled children

- Have fun
- Spend time with friends and make new ones
- Take part in interesting activities and new experiences
- Develop positive life and social skills
- Be more independent or confident
- Prepare for life as an adult
- Be safe

Outcomes for parents and carers

- Feel less pressured
- Be able to get on with normal routines
- Have some 'me time'
- Spend time with other children or together as a family
- Be confident that their child is safe and having fun with skilled carers who understand their needs

Message 2: Day time activities are the most preferred type of short break, with school holidays being the most preferred time. Sessions need to be longer, 5 - 6 hours is most preferred

Message 3: The most preferred ways to develop the short breaks market are to improve understanding of disability issues among the universal and community sectors and to improve accessible information about short

break opportunities

- Message 4: Inclusive nursery settings, with specialist skills, are the most preferred short break settings for disabled children aged 0 - 5
- Message 5: There is clear support for an allowance-based system to promote equity of access for targeted daytime activities that are not subject to a social care assessment
- Message 6: Flexible purchasing for individual children or direct payments rather than block contracts, are the most preferred methods of paying for short breaks, but direct payments are seen as difficult to access, arrange and make good use of
- Message 7: There is no particular preference for services to be delivered either by the council or independently
- Message 8: There were mixed views about the importance of having local activities, particularly in the market towns, versus centralising services in a 'one stop shop' somewhere in Hereford
- Message 9: There is clear support for families to be able to choose when to take overnight breaks to meet assessed needs
- Message 10: Many families would like to stay informed about services and opportunities for disabled children, but not exclusively about short breaks

50 The key messages described above have helped to inform commissioning intentions and the specification of services to be included in Herefordshire's short breaks offer. In December 2016, a group of family envoys examined aspects of each of the service proposals submitted for the DPS and the market support and development contract. Feedback from the family envoy group will be shared with approved providers to help them further refine their approaches. General feedback from the group overall included:

- Good range of need accommodated
- Lot of choice for daytime things
- Experienced organisations
- Liked the variety generally
- Doesn't sound as though there is much for families in the south of the county
- Like the 'developing independence'
- How are providers going to support children to transfer to different services if needed?
- Potential for some scheduling clashes with other opportunities offered in the community
- Transport to and from some activities may be a challenge for some children

Appendices

- Appendix 1: Procurement Evaluation Report for Short breaks for disabled children Dynamic Purchasing System
- Appendix 2: Procurement Evaluation Report for Short Breaks for Disabled Children Market Support and Development

- Appendix 3: Targeted short breaks allowance scheme background
- Appendix 4: Targeted allowance FAQs

Background papers

- None identified.