

SURREY COUNTY COUNCIL**CABINET****DATE: 17 DECEMBER 2013****REPORT OF: MRS MARY ANGELL, CABINET MEMBER FOR CHILDREN AND FAMILIES****MS DENISE LE GAL, CABINET MEMBER FOR BUSINESS SERVICES****LEAD OFFICERS: MR NICK WILSON, STRATEGIC DIRECTOR OF CHILDREN, SCHOOLS AND FAMILIES****MRS JULIE FISHER, STRATEGIC DIRECTOR FOR BUSINESS SERVICES****SUBJECT: SHORT BREAKS FRAMEWORK FOR CHILDREN AND YOUNG PEOPLE WITH DISABILITIES****SUMMARY OF ISSUE:**

Surrey County Council (the Council) has a statutory duty under the Breaks for Carers of Disabled Children Regulations 2011, to commission short breaks services for children and young people with disabilities and their families across the county of Surrey. The current contracts for short breaks expire on Monday 31 March 2014. A new framework of providers is being developed, to provide play and leisure, personal support (including domiciliary care) and residential services, to begin on 1 April 2014.

Due to the commercial sensitivity involved in the contract award process, the names of the providers are listed in this report; however, all financial details and evaluation scores have been circulated as a Part 2 Annex (agenda item 23).

RECOMMENDATIONS:

1. The following providers are awarded a place on a four-year framework as they have been successful in the Invitation To Tender evaluation process:

Action for Blind People, Action for Children, Animated Youth, Avenues, Barnardo's, Cherry Trees, Children's Trust, Core Assets Children's Services, Crossroads Care Surrey, Cycling Projects, Disability Challengers, Family Resource Centre UK, Freewheelers Theatre and Media Ltd, KIDS, Link Leisure, Live & Learn, Prospect Housing, Rainbow Trust Children's Charity, Reigate and Redhill YMCA, Rhythmix, Shooting Star Chase, Stopgap Dance Company, The National Autistic Society, Voyage Care, White Lodge Centre.

2. The council has reserved the right within the terms and conditions of the framework agreement to add additional providers onto the framework through a further competitive tendering process during the four-year period of the framework agreement.
3. The authority will award contracts under this framework agreement, with individual contract value of over £500k, to be delegated to the Strategic

Director for Children Schools and Families in consultation with the Leader and the Cabinet Member for Children and Families.

REASON FOR RECOMMENDATIONS:

The council has a statutory duty, under the Breaks for Carers of Disabled Children Regulations 2011, to commission short breaks services for children and young people with disabilities and their families across the county of Surrey.

The existing contracts will expire on 31 March 2014. A full tender process, in compliance with the requirement of EU Procurement Legislation and Procurement Standing Orders, has been completed and the recommendations provide best value for money for the council following a thorough evaluation process.

Awarding the named providers a place on the framework agreement and subsequent contracts will allow the council to continue to deliver short break services for children and young people with disabilities and their families/carers within Surrey.

DETAILS:

Background

1. Short breaks are a lifeline for many families of children with disabilities. They act as a preventative service helping to avoid family breakdown and the need for a more specialist, social care intervention. Short breaks provide children and young people with disabilities an opportunity to spend time away from their parents, relax and have fun with their peers. They can promote positive experiences for children and young people by encouraging friendships, social activities and new experiences. They also benefit parents and families giving them the opportunity to have a short break from the enormous demands caring for their child with disabilities.
2. In April 2013, the Cabinet Member for Children and Families, Mary Angell, approved the extension of short breaks contracts for the two biggest contracts (Disability Challengers and White Lodge) for 12 months (until 31 March 2014) with the intention of running a tender process for all contracts throughout 2013 and award new contracts from 1 April 2014.
3. A full tender process, compliant with the European Public Procurement Regulations and Procurement Standing Orders, has been carried out.
4. Short breaks services have been commissioned under three lots.
 - Lot one (Play and Leisure): These services provide children and young people with disabilities access to a wide range of experiences and opportunities. They are designed to enable children and young people to have fun, socialise, learn new skills and have the same opportunities as their non-disabled peers.
 - Lot two (Personal Support - including domiciliary care): These services provide children and young people with an individual support service that is personalised to meet their needs. This can range from providing personal care in the child's home to support in accessing the community and leisure opportunities.

- Lot three (Residential services): These services take place in settings as much like home as possible. They provide disabled children and young people the opportunity to interact with others, develop life, independence and communication skills whilst giving their families a break from caring.
5. Lot three (Residential services) are countywide services. Lots one (Play and Leisure) and Lot two (Personal Support) have each been further sub-lotted into four geographical areas:
 - North West - (consisting of: Surrey Heath, Woking, Runnymede)
 - North East - (consisting of: Spelthorne, Elmbridge, Epsom & Ewell)
 - South West - (consisting of: Guildford, Waverley)
 - South East - (consisting of: Mole Valley, Reigate & Banstead, Tandridge).
 6. The majority of the recommended providers are Surrey based voluntary, community and faith sector organisations. The framework agreement will allow mini competitions to take place amongst the providers under the framework agreement. Following the mini competitions, contracts will be awarded for two years (with an option to extend further two years).
 7. During the mini competitions, for Play and Leisure services, providers will be asked to confirm the number of apprenticeship placements they can offer in their bid. In addition these contracts will bring improvements to existing services with strengthened performance measures and robust contract management.

Procurement Strategy

8. Several options were considered prior to the commencement of the procurement activity. These were to: do nothing and continue as is; tender for the various types of short breaks services separately; or undertake a single tender to establish a framework that would capture all external short breaks contracts. In order to achieve consistency and best possible value, it was decided for the various short breaks services to be grouped under three lots: play and leisure, personal support and residential services. Providers had the opportunity to bid for one or more of the service lots. This has enabled us to increase competition in different lots
9. A joint project team was set up to including representatives from Children's Commissioning, Procurement, Short Breaks Team, Finance and Health.

Use of e-Tendering and market management activities

10. Market engagement events were used in order to stimulate interest in this process and help attract current and new providers in the market. Contact was also made with bordering local authorities to engage with their current short breaks providers. The In-Tend electronic tendering platform was used for the tendering to ensure the procurement process was as efficient as possible for both providers and the council.

Key Implications

11. By establishing a framework and the subsequent award of contracts to providers recommended in the Part 2 Annex, the council will be meeting its statutory duties and ensuring the delivery of short breaks services to children and young people with disabilities and their families. The Short Breaks Framework will also allow the council to:
 - continue to deliver short break services for children and young people with disabilities and their families/carers within Surrey
 - realise maximum efficiencies, enhanced value for money and better outcomes for children and young people with disabilities and their families/carers by redefining the outcomes based on need
 - aim to deliver best value for money and savings where possible
 - stimulate the market and increase the range of services in short break services
 - develop new, innovative and flexible services which will offer more personal choice to a wider range of children and young people with disabilities and their families/carers
 - monitor and performance manage the improved outcomes for children and young people with disabilities.
12. Performance reviews will focus on the outcomes highlighted in the specification and take place on a quarterly basis. Providers will submit monitoring information, as well as an annual report providing a summary of the outcomes achieved for children and young people with disabilities.
13. Performance information will be shared by the council with the Health leads to ensure alignment and collaborative working.
14. The contract management responsibility lies with the Short Breaks Team and social workers. This will be managed in line with the service specification and against the outcomes for children and young people and their families.

Competitive Tendering Process

15. The Short Breaks Framework for Children and Young People with Disabilities has been established following a competitive tendering exercise. A light touch open procedure was carried out in October 2013 to develop a framework agreement to keep the process as efficient as possible.
16. It is envisaged that following the tender process, successful providers in Lots 1 (Play and Leisure) and 3 (Residential) will take part in mini competitions. This will allow us to award contracts to the providers best placed to deliver value for money services.
17. Providers under the Personal Support lot (Lot 2) will be ranked according to their combined quality and price score. This means that providers with the highest scores will be approached first.

CONSULTATION:

18. Consulted:

Internal: Cabinet Members: Mary Angell, Denise Le Gal, Officers from Children Services, Finance, Legal Services, Procurement and Commissioning, Directorate Leadership Team: Garath Symonds, Caroline Budden

External: Family Voice, Impact, Children and Young People representatives, Health (Surrey), Parent representatives.

19. Roadshows were held across Surrey during August 2013 to seek the views of children and young people to develop outcomes for short breaks services. The following are the key opinions.

- Things which are important to young people are:- having fun, making friends, making decisions, being listened to.
- Most popular activities are:- bowling, music, cooking, trampolining, theme parks, cinema, walking and seeing friends.
- The majority of children and young people wanted to go to places suitable for both disabled and non-disabled children.

RISK MANAGEMENT AND IMPLICATIONS:

20. The framework agreement includes termination provisions which will protect the council in the case of an unsatisfactory performance and/or any significant changes in legislation or Council Policy. These provisions allow the council to vary or terminate the contact with six months notice to the provider/s.

21. The following key risks associated with the contract and contract award have been identified, along with mitigation activities:

Category	Risk Description	Mitigation Activity
Financial	Risk of overspend as the majority of these services are statutory and dependant on demand.	Close contract and budget monitoring.
Reputational	Poor quality of service not delivering the required Outcomes.	Strong contract management and quarterly contract review meetings will allow us to mitigate the risk of a poor quality service and work with the providers to help them improve their performance.

	Concerns of service users due to changes resulting from a new service provider.	The council will closely monitor data from the providers, enable partnerships with key stakeholders and service user feedback, as part of the contract management process to ensure service users needs are met.
	Risk that all four geographical lots and types required are not commissioned due to lack of capacity of providers.	Surrey County Council will work with existing providers to cover these gaps in service. The council has reserved the right to award additional providers to the framework agreement following a further competitive process.

Financial and Value for Money Implications

22. Full details of the framework agreement and financial implications are set out in the Part 2 Annex (agenda item 23).

Section 151 Officer Commentary

23. Through the competitive tendering process and price and quality evaluation, the Section 151 Officer confirms that the financial and business implications have been considered. The funding for the framework has been agreed based on an expected saving of around 10% (£0.4m) and the s151 Officer expects the service to contain spend within the agreed budget level, which already reflects this saving.

Legal Implications – Monitoring Officer

24. The council has a statutory duty under the Breaks for Carers of Disabled Children Regulations 2011 to commission Short Breaks services for Children and Young People with Disabilities and their carers/families across the county of Surrey. Under Regulation 4 of the legislation states the Types of services which must be provided as follows:

4. (1) In performing their duty under paragraph 6(1)(c) of Schedule 2 to the 1989 Act (the Children Act), a local authority 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.

(2) In particular, the local authority must provide, as appropriate, a range of:

(a) day-time care in the homes of disabled children or elsewhere,

(b) overnight care in the homes of disabled children or elsewhere,

(c) educational or leisure activities for disabled children outside their homes, and

(d) services available to assist carers in the evenings, at weekends and during the school holidays.

25. Under section 149 of the Equality Act 2010 Cabinet must comply with the public sector equality duty, which requires it to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant characteristic and a person who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Equalities and Diversity

26. An Equalities Impact Assessment has been completed and no adverse impact was identified in carrying out the Review.
27. Once the mini competitions have been awarded we will update the Equalities Impact Assessment to reflect any changes to providers and the potential impact on children, young people and families and whether TUPE would apply.
28. We will look to minimise the impact of the Budget savings set out in Section 151 by: -
- Targeting savings in areas of least impact.
 - Ensuring that the impact of any reduction in delivery is fully considered when awarding contracts.
 - Seeking reduction in prices to achieve savings.
29. The service specification has been developed with input from Children and Young People, families and providers and will be managed and monitored in line with the council’s obligations under the equalities monitoring framework as part of the wider Public Sector Equalities Duty.

Corporate Parenting/Looked After Children implications

30. There are currently children and young people who are Looked After under Section 20 of the Children Act 1989 (as amended by the Children and Young Persons Act. 2008) who use short breaks services. Any options which are recommended that change a child or young person’s short breaks provision will ensure that there is a seamless transfer of services.

Safeguarding responsibilities for vulnerable children and adults implications

31. The provider will have child protection procedures and staff guidance in place. These will be consistent with the Surrey Safeguarding Children’s Board guidance and procedures.
32. All providers will be monitored on a quarterly basis to ensure they are meeting the safeguarding requirements within the service specification.
33. The provider will co-operate fully with any investigation launched by the council.

WHAT HAPPENS NEXT:

34. The timetable for implementation is as follows:

Action	Date
Cabinet decision to award (including ‘call-in’ period)	31/12/2013

Standstill Period	04/01/2014
Mini Competition role out for play and leisure and residential	06/01/2014
Contract Signature	Beginning of March
Contract Commencement Date	01/04/2014

35. The council has an obligation to allow unsuccessful suppliers the opportunity to receive a debrief and have the opportunity to challenge the proposed contract award before the contract is entered into. This period is referred to as the standstill period.

36. Procurement and Children's Commissioning will work closely with the successful providers to ensure a smooth transition from the current provisions to new services.

37. Following the Cabinet decision, Procurement will send out successful and unsuccessful award letters to providers in late December/early January.

38. Mini-Competitions will start in January 2014.

Contact Officer:

Yasi Siamaki, Assistant Category Specialist, 020 8541 8543
Holly Beaman, Commissioner, 020 8541 7180

Consulted:

Ian Banner - Head of Children's Services Commissioning
Sandy Thomas - Specialist Service Manager
David Kelly - Corporate Group Legal Services Manager
Laura Langstaff – Head of Procurement
Paula Chowdhry - Strategic Finance Manager for Children, Schools and Families
Holly Beaman - Commissioner

Annexes:

Annex 1 - EIA Short Breaks Retender
Part 2 Annex (Agenda item 23) – Commercial Details and Contract Award

Sources/background papers:

No. 707 CHILDREN AND YOUNG PERSONS, ENGLAND The Breaks for Carers of Disabled Children Regulations 011
(<http://www.legislation.gov.uk/ukxi/2011/707/made>) © Crown copyright