

**SURREY COUNTY COUNCIL**

**CABINET MEMBER FOR CHILDREN AND FAMILIES**

**DATE: 4 JUNE 2014**

**LEAD OFFICER: NICK WILSON, STRATEGIC DIRECTOR OF CHILDREN, SCHOOLS AND FAMILIES**

**SUBJECT: CABINET MEMBER DECISION: EXTENSION TO EXISTING CONTRACTS FOR SHORT BREAKS 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 expired on Monday 31 March 2014.

Procurement Review Group agreed the extension of all the existing short break contracts from 1 April until 30 September 2014 on 3 March 2014. All individual contracts are below £500,000 except for the Disability Challengers contract which exceeds this threshold (£533,675). The extension of the Disability Challengers contract for six months needs formal Cabinet Member approval.

This extension is needed to ensure the continuity of service for children and young people with disabilities and their families until the mini competitions process have been awarded within the Short Breaks Framework.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Children and Families approves the extension of the Disability Challengers contract for six months from 1 April 2014 until 30 September 2014.

**REASON FOR RECOMMENDATIONS:**

Children's Social Services are seeking permission to the fund the Disability Challengers Contract for a further six months, from 1 April to 30 September 2014, when new contracts will be place under the Short Breaks Framework. This is to ensure a continuity of service and so that children and young people with disabilities and their families are not adversely affected by the delay. Without this extension the short break provider will not have enough time to recruit staff and plan for their busiest period in the summer holidays.

**DETAILS:**

**Business Case**

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 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. Short breaks 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. The Council has to provide short breaks under the Short Breaks Regulations 2011. This legislation states that local authorities have to offer short breaks as a preventive, early intervention service; offer a range of services for parents and publish a statement of those services to parents and families.
3. Budget uncertainties have led to a significant impact on the timescales of this project. We are seeking permission to continue to fund Disability Challengers contract for a further six months, from 1 April 2014 to 30 September 2014, when new contracts will be in place. This is to ensure a continuity of service and so that children and young people with disabilities and their families are not adversely affected by the delay. Without this extension the short break provider will not have enough time to recruit staff and plan for their busiest period in the summer holidays.
4. With the expiry of these contracts, the first stage of the tender process has been completed and successful providers have been awarded onto the Short Breaks Framework. The Framework consists of three lots:
  - Lot 1 – Play and Leisure Services
  - Lot 2 – Personal Support
  - Lot 3 – Residential.
5. The Framework Agreement allows us to purchase services directly from the organisations on the framework or to award block contracts following a mini competition process. It is our intention to; -
  - Award block contracts for Lot 1 – Play and Leisure;
  - Spot purchase for Lot 2 – Personal Support; and
  - Award a combination of spot and block contracts for Lot 3 – Residential Services.

<b>CONSULTATION:</b>
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6. Those who have been consulted include; -
  - All organisations bidding for Short Break block contracts – Provider Event, 7 March 2014.
  - Nick Wilson, Strategic Director for Children, Schools and Families – Cabinet Checklist 17 April 2014.
  - Caroline Budden, conversation and e-mail 17 April 2014
  - Ian Banner, feedback on draft report 19 May 2014.
  - Sheila Jones, Cabinet Checklist 17 April 2014.
  - Laura Langstaff, meeting 15 May 2014.
  - Paul Davies, meeting 15 May 2014.
  - Anna Tobiaz, meeting 15 May 2014.
  - Procurement Review Group – 3 March 2014 (Legal, Finance and Procurement).

**RISK MANAGEMENT AND IMPLICATIONS:**

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 providers, enable partnerships with key stakeholders and service user feedback, as part of the contract management process to ensure service users needs are met in the event of any changes to providers awarded a contract.
	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 opening to competition during the agreement period it may undertake at its discretion.
Service	Risk that if short break contracts are not extended, services would not be in place during the time of most need, the summer holidays.	Children's Social Services are requesting the extension of short break contracts for six months from 01 April until 30 September 2014 to ensure the continuity of service for children and young people with disabilities and their families until the mini competitions process have been awarded within the Short Breaks Framework.

**Financial and Value for Money Implications**

7. £1.535m (for six months) used by the Council to purchase Short Break services from external providers. All individual contracts are below £500,000 except for one contract, **Disability Challengers with the value of £533,675.**

**Section 151 Officer Commentary**

8. This contract provides activities over school holidays, and this value takes into account the additional services required over the school holidays, and is in line with the 2013/14 contract. The committed spend of £1.54m will need to be taken into account when calculating the services which can be commissioned for the period October 2014 to March 2015.

### **Legal Implications – Monitoring Officer**

9. The Council in performing its statutory duties under the Breaks for Carers of Disabled Children Regulations 2011 is required to provide breaks to assist parents and those who provide care for disabled children.
10. An EU compliant procurement tender exercise has been undertaken in relation to the Shorts Breaks framework and successful providers have been awarded onto this framework. However, due to factors outlined above the process has not been completed and it is essential that the current short breaks contracts are extended to ensure that the Council is fulfilling its statutory duty.
11. The Procurement Review Group has already given approval for the Short Breaks contacts to be extended for a further six months. However, under the Procurement Standing Orders cabinet approval is required as the extension is over £500,000.

### **Equalities and Diversity**

12. An Equalities Impact Assessment has been completed and no adverse impact was identified in carrying out the tender. Once the mini competitions have been completed and contracts 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.
13. We will look to minimise the impact of the Budget savings by: -
  - Targeting savings in areas of least impact.
  - Ensuring that the impact of any reduction in delivery fully considered when awarding contracts.
  - Seeking reduction in prices to achieve savings.
14. The Service Specification for the Short Breaks Framework 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.
15. Parents were involved in evaluating all bids and have fed into the decision making process.

### **Other Implications:**

16. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	Children and young people who are Looked After under Section 20 will use short breaks.
Safeguarding responsibilities for vulnerable children and adults	All providers will be monitored on a quarterly basis to ensure they are meeting the safeguarding requirements within the service specification, this will include during the period of the contract extension.
Carbon emissions	No significant implications have been identified

	so far but will be revised once mini competitions have been completed.
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**Corporate Parenting/Looked After Children implications**

17. There are currently children and young people who are Looked After under Section 20 1989 who use short breaks services. Through extending the contract, we will be able to ensure a continuity of service for children and young people who are Looked After.

**Safeguarding responsibilities for vulnerable children and adults implications**

18. 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
19. The provider will co-operate fully with any investigation launched by the council.
20. All providers will be monitored on a quarterly basis to ensure they are meeting the safeguarding requirements within the service specification.

**WHAT HAPPENS NEXT:**

21. Next steps; -
- Mini competitions under the new Short Breaks Framework have been tendered and the service is currently evaluating and moderating bids.
  - Providers will be informed of the decision for awarding block contracts by the end of June (in order to comply with three months notice period stated within the Surrey Compact).
  - New short break contracts will start from 1 October 2014.

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**Consulted:**

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 Sheila Jones  
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 Paul Davies  
 Anna Tobiaz  
 Procurement Review Group

**Annexes:**

Annex 1 - Financial Analysis for Procurement Review Group – 3 March 2014.

**Sources/background papers:**

- Equalities Impact Assessment

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