

SURREY COUNTY COUNCIL**CABINET****DATE: 22 NOVEMBER 2016****REPORT OF: MRS CLARE CURRAN, CABINET MEMBER FOR CHILDREN AND FAMILIES WELLBEING****LEAD OFFICER: GARATH SYMONDS ASSISTANT DIRECTOR FOR COMMISSIONING AND PREVENTION****SUBJECT: RE-COMMISSIONING SHORT BREAKS FOR DISABLED CHILDREN****SUMMARY OF ISSUE:**

This paper seeks agreement to extend the deadline for re-commissioning short breaks for disabled children and young people in Surrey from the previously agreed date of 4 September 2017 to 1 December 2017. This extension will allow additional time for formal public consultation on the specific recommendations agreed by Cabinet following the procurement process. This will enable the impact of these changes to provision to be fully considered when Cabinet makes the final decisions about contract and grant awards.

RECOMMENDATIONS:

It is recommended that the Cabinet agrees:

1. an extension to the deadline for re-commissioning short breaks in Surrey to 1 December 2017.
2. that all existing contracts terminate on 30 November 2017 and the newly commissioned short breaks offer begins on 1 December 2017.
3. that a three-month extension until 30 November 2017 should be sought to the contract with Surrey and Borders Partnership NHS Foundation Trust (SABP) for overnight residential short break provision at Beeches.

REASON FOR RECOMMENDATIONS:

The proposal to extend the re-commissioning of short breaks to 1 December 2017 will:

- i. allow for a formal six-week public consultation with the children, young people and families directly affected by the specific changes to short breaks recommended by the procurement process.
- ii. support Cabinet to make a fully informed final decision about the re-commissioned short breaks offer, taking account of the views of children, young people and families on the specific changes to services recommended

by the procurement process.

- iii. strengthen engagement and co-design with families to further increase robustness of the re-commissioning process and deliver better outcomes for more children, young people and families.
- iv. allow any perceived negative impacts of the recommended changes on particular children, young people and families to be planned for and, as far as possible, mitigated so that families continue to be supported.

<u>DETAILS:</u>

BACKGROUND

1. On the 24 May 2016, following a full needs assessment and service review completed in partnership with Family Voice, Cabinet agreed to:
 - i. bring forward the re-commissioning of the short breaks offer and, in doing so, work closely with children and families to co-produce a new local offer for short breaks, so that existing contracts are terminated on 3 September 2017 and new contracts start on 4 September 2017.
 - ii. work with current and potential new providers to develop the market for short breaks to improve the range of services, value for money and focus on outcomes, and to address the current identified gaps in provision.
 - iii. approve an extension to the contract with Surrey and Borders Partnership (SABP) for specialist residential short breaks at Beeches to 3 September 2017.
2. The short breaks re-commissioning project is an integrated part of Surrey's wider strategy to improve outcomes for all children and young people with special educational needs and disabilities (SEND), titled the SEND 2020 programme. It also supports the Council's strategic goal of promoting wellbeing.

PROGRESS TO DATE ON RE-COMMISSIONING

3. Since 24 May 2016 the short breaks re-commissioning project team, working in partnership with Family Voice, have:
 - i. held 18 co-design sessions for parents and carers in different locations across Surrey during June, July and August. These have developed and tested the outcomes for children, young people and families that the re-commissioning of short breaks needs to achieve and identified the changes to current provision that will support this.
 - ii. conducted an online survey for families, which received over 200 responses, to provide more families with an opportunity to shape the future short breaks offer.
 - iii. held 2 co-design workshops in July with current and potential providers of short breaks to develop the market, highlight key gaps in current provision

and seek their views about the outcomes that short breaks should support.

- iv. engaged with children and young people with disabilities and young carers through visits to current short breaks providers, focus groups at local youth centres and a bespoke young carers survey.
- v. developed new ideas for future delivery of short breaks through five co-design workshops in September and October with parents and carers, providers and practitioners.

THE NEED TO REVIEW THE TIMELINE

- 4. As outlined in the 24 May 2016 Cabinet paper, the re-commissioning project timeline has been kept under review in response to the concerns raised by families and Family Voice about the 4 September 2017 deadline. In addition to this, in July 2016 the proposal of a neighbouring local authority to reduce funding for short breaks was overturned through a judicial review. Surrey is not proposing a reduction in the budget for short breaks, so the situation is not directly comparable, but as a result of these two issues an internal review of the re-commissioning timeline approved by Cabinet was undertaken. This has identified the need for a formal six-week period of public consultation, following completion of the procurement process, on the specific changes to provision that are recommended. This will strengthen Surrey's process and allow the impact of any changes on families to be considered and mitigated before final decisions are taken.

OPTIONS

- 5. There are two options available to Cabinet, one of which is recommended:
 - i. **Make no change to the timeline for re-commissioning** – press ahead with the timeline as is to deliver the project for 4 September 2017 and do not plan in a six-week public consultation once the specific proposals for change have been recommended through the procurement process.
 - ii. **Extend the timeline for re-commissioning to 1 December 2017** – allow sufficient time to deliver a six-week public consultation once the specific proposals for change have been recommended through the procurement process.
- 6. Option (i) above carries significant risk of challenge as, whilst there has been much engagement with families and previous consultations, no consultation on the specific proposals following procurement would have been conducted. This could be challenged, requiring the whole process to be started afresh. Option (ii) mitigates this risk and is the recommended option.

PROPOSED REVISED TIMELINE

7. The table below sets out the proposed revised timeline:

Date	Activity
13 Dec 17	Commission service specifications finalised and procurement process approved
09 Jan 17	Tender launch event held and tender process begins
10 Feb 17	Tender process ends
27 Apr 17	Cabinet decision to endorse and consult on recommended options
08 May 17	Six-week public consultation begins following Cabinet callover period
16 Jun 17	Public consultation ends
18 Jul 17	Cabinet decision on final changes to short breaks offer, informed by outcome of procurement process and consultation feedback
Aug-Nov 17	Mobilisation of new short breaks offer
01 Dec 17	New short breaks offer launches

OVERVIEW OF SURREY'S CURRENT SHORT BREAKS OFFER

8. The Council is required to have regard to the needs of carers of disabled children who would be unable to continue to provide care or able to provide care more effectively if breaks from caring were given. Surrey County Council commissions a range of services for children and families to meet this duty.
9. At the time of the last Cabinet report there were 824 children who had been formally assessed as requiring specialist short breaks support (which could include overnight short breaks) and were open to the Children with Disabilities Team. Over 2,000 disabled children and their families access a range of subsidised, targeted play and leisure short breaks, to which families may have to make a contribution. These services do not require a social care assessment and have an important early help role to play in supporting families.
10. In 2015/16, Children's Service's spent £11.5m on support for disabled children, of which £3.5m is allocated to services in scope for this re-commissioning (including specialist residential short breaks contracts, play and leisure contracts and grants to special schools and the voluntary sector) and £6.1m on other care packages, direct payments and contracts, with the remainder on service costs.

CONSULTATION:

11. The decision to extend the re-commissioning timeline has been supported by the Short Breaks Re-commissioning Steering Group. This group includes representatives from Family Voice Surrey, Health and Surrey County Council. The intention to seek a change to the re-commissioning timeline has also been raised at the SEND Partnership Board.

RISK MANAGEMENT AND IMPLICATIONS:

12. Extending the timetable for the re-commissioning of the short breaks offer to 1 December 2017, to incorporate a 6-week formal public consultation, has the following implications in terms of risks:
- There are risks associated with the overall tight timeline for delivering this project by 1 December 2017, inclusive of the public consultation, as there

is little room for slippage. This will require a rigorous approach to project management.

- ii. There remains a risk of legal challenge to decisions taken by Cabinet that change current short breaks provision. However, this risk is mitigated by the strengthened engagement recommended by this paper.

Financial and Value for Money Implications

- 13. Part 2 of the Cabinet report 24 May 2016 outlines the value for money implications of extending the contract for Beeches.
- 14. A further extension of three months is proposed to the current contract.
- 15. The expenditure associated with this extension has been provided for within the current Medium Term Financial Plan.

Section 151 Officer Commentary

- 16. The County Council is facing a very serious financial situation, whereby it is forecasting a significant revenue budget overspending in this year, and does not have a balanced nor sustainable budget plan for future years. Although this planned expenditure has been included within the current Medium Term Financial Plan, agreeing to this recommendation will reduce the Council's options to create a balanced and sustainable budget in the future.
- 17. The full financial implications of the contract extensions are included within part 2 of the Cabinet report.

Legal Implications – Monitoring Officer

- 18. There is a clear expectation in public law that a Council should carry out a consultation process whenever it is considering making any significant changes to service provision. As the re-commissioning process develops, consultation on any proposed changes to the existing service will be undertaken and the feedback will be taken into account in the decision making process.
- 19. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by Cabinet in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups, and eliminate any unlawful discrimination.
- 20. The Council also has a fiduciary duty which requires it to act with prudence in any decision to spend money.

Equalities and Diversity

- 21. The proposal to extend the commissioning cycle to include public consultation on the short breaks offer impacts positively on those with protected characteristics by:
 - i. providing families that are directly affected by any changes to provision recommended through the short breaks procurement process with a formal opportunity to comment on the impact of those changes; and

- ii. allowing Surrey County Council to put arrangements in place to mitigate any identified negative impacts of these changes on families, as far as this is possible within available provision and resources.
22. An Equality Impact Assessment (EIA) accompanied the May 2016 Cabinet report. Specific EIAs will be carried out within the business case for the preferred options for short breaks prior to procurement and on the plan for public consultation. Key risks will be reported to Cabinet in the planned papers on 27 April 2017 and 18 July 2017.

Other Implications:

23. 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	Short breaks play an important role in preventing disabled children and young people from becoming looked after and supporting those who are looked after.
Safeguarding responsibilities for vulnerable children and adults	All Surrey County Council short breaks provision complies with the Council's safeguarding policy and officers regularly monitor the implementation of this policy.
Public Health	No significant implications arising from this report
Climate change	No significant implications arising from this report
Carbon emissions	No significant implications arising from this report

WHAT HAPPENS NEXT:

24. The next steps in the project are set out in the timeline included under paragraph 7 of this report. The next Cabinet report will be going to the 27 April 2017 Cabinet meeting and will provide a summary of the recommendations from the completed short breaks procurement process and seek endorsement of the options and approval to commence a public consultation. The second will be going to the 18 July 2017 Cabinet meeting and will provide feedback on the outcome of the consultation process and seek a final decision from Cabinet in relation to short breaks contract and grant award decisions.

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Consulted:

Family Voice

Short Break Re-commissioning Steering Group, including representatives from Family Voice Surrey, Surrey Children's Services, Health, Children, Schools and Families Commissioning, and SCC's Procurement, Legal and Finance Teams

Background papers:

- Cabinet Report, Short Breaks for Disabled Children, 24 May 2016
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