

# North Somerset Council

## REPORT TO THE CHILDREN AND YOUNG PEOPLE'S SERVICES POLICY AND SCRUTINY PANEL

**DATE OF MEETING: 12<sup>TH</sup> SEPTEMBER 2014**

**SUBJECT OF REPORT: RESPITE CARE AND SHORT BREAKS WORKING GROUP**

**TOWN OR PARISH: NONE SPECIFIC**

**OFFICER/MEMBER PRESENTING: COUNCILLOR ANNE KEMP**

**KEY DECISION: NO**

### RECOMMENDATIONS

(1) That the Panel recommends the Executive Member for Children and Young People's Services to endorse the process for extending the current NCH contract for one year, on the basis that this will allow North Somerset to develop an innovative, effective and cost efficient new service which will be exposed to the wider market of care providers;

(2) That the Panel recommends the Executive Member for Children and Young People's Services to support the development of a 14-25 service which will provide more effective transitional arrangements between children's and adults' services, will promote individuals' journey towards independence, and which will make the best use of existing council assets and buildings;

(3) That the Panel recommends the Executive Member for Children and Young People's Services to recognise the efforts of the Respite Care and Short Breaks Working Group to see the service as part of a wider transition to adulthood, including the need to work closely with Adult Services; and that arising from this, he agrees to the monitoring of the continued development of the 14-25 service;

(4) That the Panel recommends that officers present this report to the Joint Commissioning Group (under the auspices of the People and Communities Board) as part of the governance/decision making process.

### 1. SUMMARY OF REPORT

This report sets out on the conclusions and recommendations of the Respite Care and Short Breaks Working Group.

### 2. POLICY

Corporate Aim: Enhancing health and well-being.

### **3. DETAILS**

#### **Background**

- 3.1 The working group was originally set up by the Panel to investigate the proposed procurement approach for the short breaks service for 2015/16 onwards and identify efficiencies and opportunities.
- 3.2 The working group's investigation was in the following context-
- (i) To assist and contribute to the development of Short Breaks for disabled children and their families in the context of :-
    - The current contracts expiring in March 2015;
    - Changing legislation and the introduction of personal budgets; and
    - The challenging financial climate with funding for the council reducing significantly year on year.
  - (ii) To ensure that there is a robust commissioning process for the service which actively involves parents and children and achieves good outcomes and good value for money.
  - (iii) To increase opportunities for families of disabled children have to take up a direct payment.
- 3.3 The working group comprised Councillors Anne Kemp (Chairman), Jill Iles and Annabel Tall and Mr Justin Templer. Councillor Colin Hall, Chairman of the Children and Young People's Services Policy and Scrutiny Panel also attended.
- 3.4 Members met with and/or received advice from the following:
- John Wilkinson, Assistant Director Strategy, Commissioning and Performance
  - Mike Newman, Strategic Commissioning Team Leader
  - Gail Smith, Strategic Commissioning Officer
  - Dali Sidebottom, Children's Commissioning Manager, North Somerset Clinical Commissioning Group
  - Rosemary Ward, Community Family Team - Disabled Children's Service Project Leader
- 3.5 The working group was asked to complete its investigation, finalise its report and submit its conclusions and recommendations to the 12<sup>th</sup> September 2014 meeting of this Panel.
- 3.6 The sections below summarise the work and findings of the group.

#### **Context**

- 3.7 The working group was set up to scrutinise the proposed procurement approach for the short breaks service for 2015/16 onwards and identify efficiencies and opportunities.
- 3.8 The working group commenced by scoping the investigation. Key points-

(i) Effective engagement, consultation and change management to ensure that plans address (as far as possible within legislative and budgetary constraints) concerns identified and raised (vital to engage with both parents and children/young people and gain their input).

(ii) Care needed to be taken that parents were not destabilised by this review but were fully engaged sensitively in the process.

(iii) Focus - to work with the existing families who currently access the Short Breaks services commissioned from Action for Children, whose contracts with North Somerset Council were due to finish on 31<sup>st</sup> March 2015.

(iv) Consider shared services with other local authorities.

(v) Explore other options for overnight support.

(vi) Reaffirmed (a) replacing the SEN statement with a single 0-25 assessment process and an Education, Health and Care Plan (EHC) and (b) every family with a plan having a right to request a Personal Budget.

(viii) Avalon contract

The contract was closely and regularly monitored to ensure that the Council was getting the service it had paid for. It was considered that whilst the service was acceptable, the cost was too high. We cannot afford to provide the service at the existing cost.

Was there scope for renegotiating an extension of one year to enable a more measured procurement approach?

(ix) Involve Health – The Clinical Commissioning Group (CCG) have participated in the working group. This is a jointly commissioned service so there will be ongoing joint working by the Council and the CCG.

(x) The importance of engaging with children.

## **Engagement with Parents and Carers**

3.9 Parents were keen to be part of contributing to the design of services going forward for their young people as well as redesigning of services for families of younger children.

3.10 The relationship with families who currently use services for children and young people with Special Educational Needs and Disability was considered central to the successful local delivery of change. The aims of engagement are-

- To inform parents and carers of the legislative changes intended by the government, and the budgetary challenges confronted by North Somerset Council.
- To encourage parents and carers to become directly involved in planning and delivery of changes.
- To help define what the future provision could look like, with the overarching aim of being able to ensure that the education, health and care planning process will be designed to help children and young people grow and develop

to become as independent as possible, and to prepare for adulthood supported by their families.

### 3.11

Personalisation was at the heart of the Children and Families Act 2014: delivering choice for parents and children through more flexible commissioning, and ensuring that the voice of the child and the parent/carer must be paramount in the care plan.

This was engagement focused on the 17 families with the most complex needs. Essentially, they were being asked to consider moving from Avalon to an unknown situation. It involves a lot of work to get parents and carers to consider other options. It was not about re-commissioning the existing service. This was something more radical which would involve a mixed menu of support. Families were being supported to consider-

- using personal budgets to support different ways of accessing short breaks.
- how these needs could be met differently that support their son or daughter to move along the 'pathway to adulthood and independent living' either at the family home or in a supported living accommodation.
- explore what is currently available in the market place and where are the gaps
- help define the content of future Service Level Specifications by taking into consideration what has worked well and not worked well in the past.

3.12 Parents were concerned that their children were able to move into adulthood in a way that is non disruptive for all, enables them to be as independent and safe as possible and also gives the family respite.

3.13 All Avalon parents and carers were encouraged to be fully engaged, particularly in looking at options and alternatives. Meetings had been positive. Issues raised were-

- The parents and carers were keen to visit the provision at the Bush facility in Bristol and to meet with Bristol parents and carers to hear their views and experiences. - The Bush facility was comparable with Avalon, albeit larger.
- A key issue was transport.
- Respite must be a break for both parents and children – this was essential.

3.14 The parent group had requested for speakers to come to their meetings to speak around subjects such as:

- legal issues and wills
- housing
- education and employment.

### **Breakdown of costs**

3.15 Personal Budgets may have a future role around what services will be available. One parent indicated that they would like to transfer to a Personal Budget, with which to buy a package of care for their child. A case study involving that parent revealed a cost saving of 30% using a personal budget which covered what the parent and young person wanted

## **Engagement with Children and Young People**

- 3.16 A short term engagement project was about to be commissioned. Expressions of interest invited from some providers to show how they will gather information (as per 3.2 of the report) from young people 11 – 25 years.
- 3.17 This information would be used not only to inform the SEND implementation, but would give NSC up to date information about the views and aspirations of disabled children and young people and children and young people with SEN. It was accepted that the numbers would be small, but this would not invalidate the quality of the contributions.

## **Other Authorities**

- 3.18 Officers from the Strategic Commissioning Team had met with officers from Bristol City Council. The outcome from this meeting was that although in the future there maybe opportunity for cross border working, currently this may not be possible. The issues that would prevent this from happening were:

(1) Bristol were at the end of their consultation period around their short break offer and; (2) the potential TUPE implications from the NSC current short break contract.

However, there was an interest in potential future joint commissioning of services.

- 3.19 It was understood that BANES were not interested at present.

## **NCH Action for Children**

- 3.20 Action for Children (AfC) was keen to be involved and to provide a service. It had been made clear to them that there would be a reduced budget and things will have to be done differently. – including how they were proposing to meet the challenges arising from the

- Children and Families Act 2014
- Special Educational Needs and Disability Regulations 2014
- Special Educational Needs (Personal Budgets) Regulations 2014
- 0-25 Special Educational Needs and Disability Code of Practice 2014.

- 3.21 Future services were being explored are based on three key elements: the ‘need’ of families with children and young people with disabilities and special educational needs; legislation; and budget. Communication took place with AfC management to keep them informed of work being undertaken with parents and young people. This communication consisted of explaining the development process of moving forward to understand the needs and how these needs may be met in the future. AfC were keen to be involved in the process to help ensure minimum disruption to the families using their service, to look at how they may better develop their service and to enable them to keep their staff informed of potential changes.
- 3.22 AfC attended one of the parents’ meeting to share with them work they have undertaken in Bristol and to start a process of asking the families what it is they and their young people need in the future.

- 3.23 Officers met with AfC to outline the planned developments in the service, and to explore the possibilities around continued provision at the Avalon location for an additional year. This was on the following basis-
- (i) Ideally, the residential short breaks and the sitting service be combined as a single contract, with North Somerset Council effectively able to use the purchased capacity to fit service users' changing needs, rather than any one part of the service being under- or over-occupied.
  - (ii) AfC would support delivery savings of at least £90,000 on the previous year.
  - (iii) AfC would do their utmost to limit a loss of flexibility for parents and young people as a result of any changes.
- 3.24 The working group were pleased to learn that AFC were very positive about the move to a new 14-25 model, citing their experience in other areas of the UK in delivering parts of this service. They would see any opportunity to remain involved in North Somerset as a positive means of developing their future position in the market.

### **The process for procurement**

- 3.25 Research has been undertaken with families and colleagues in NSC to consider a more comprehensive and ambitious service for young people. The aim was to enable them to have a better understanding of the services available to support them, a clearer pathway through the system and ultimately a smoother transition to independent living, ensuring every young person achieves a way of life which optimises the balance of independence and support to meet their needs as young adults. This would require a new model of service delivery which would-
- (i) Ensure the voices of young people are paramount in decisions about their care, support and future pathways.
  - (ii) Utilise existing skills and roles in the Council to provide a flexible and personalised range of support.
  - (iii) Bring together the services of partners in health, schools and care to provide a more focused offer – similar to a children's centre or the Troubled Families approach.
  - (iv) Reduce the time spent on repeated assessment, using the Education, Health and Childcare Plans as a more cumulative approach to understanding changing needs as children become adults.
  - (v) Minimise the requirement for overnight care, other than using it as part of the young person's route to optimum independence.
- 3.26 It was recognised that a remodelled service needed to be based on the following principles – economic productivity, independent living, community inclusion, good health and simplicity of delivery and access. This proposed model fits increasingly well with the changed emphasis on supporting development of independence, personalisation and user-led services.

- 3.27 This was a late development in the working group's investigations, but this approach fits in with the remit of the working group and may realise greater benefits in the longer term. To further examine and explain this proposal the working group held a meeting with stakeholders (parents and young people) who have lived with the existing system of support.
- 3.28 The working group concluded in principle that this model be developed to form the basis of the new tender and referred to the CYPS Policy and Scrutiny Panel, and ultimately to the Executive Member for Children and Young People's Services to progress the normal procurement processes. Officers will take the report and recommendations forward to the Joint Commissioning Group (under the auspices of the People and Communities Board) as part of the governance/decision making process.
- 3.29 The Council's Constitution recognises that contracts which did not originally anticipate extensions may in fact require them to be negotiated, provided they are authorised by an appropriate person or group of people. The Constitution also provides guidance on the maximum length of such extended arrangements. In this case, given the anticipated length and value of the contract this would require the approval of the Executive Member for Children and Young People's Services.
- 3.30 The Constitution would ordinarily expect a competitive process to be undertaken for a contract of this value, which with regard to the value of the arrangement would require a full EU procurement exercise. However, there are a number of defined exceptions to this and two in particular apply to this contract:
- (i) Where there is no effective competition for the goods, services or works in question because payment is fixed under statutory authority or is of such a specialist nature that there is effectively only one supplier;
  - (ii) Contracts for the placement of a person, or persons, requiring community care or special educational needs or requiring emergency accommodation under part VII of the Housing Act 1996.
- 3.31 This is a specialist, placement related service, which performs best when providing consistency and continuity to children and their families. The previous procurement process indicated that there were no other interested parties at the time of tendering for this service. Furthermore, the short period of extension and the need to seek suitably equipped premises to deliver the service are strong disincentives to other entrants to the market. In addition,
- 3.32 It is considered crucial to proceed at a slower pace to get things right which would involve extending the existing contract for a few months beyond April 2015. Therefore, the working group would support an extension to the current contract with Action for Children.

### **3.33 Conclusions**

- 3.34 Based on the work undertaken to date, the group has concluded that:
- (1) A future remodelled service must not only realise savings and efficiencies, it must also ensure simplicity of delivery and access, have regard to the needs of parents and children and maximises the use of personal budgets;

- (2) To ensure a clearer pathway through the system and ultimately a smoother transition to independent living, there is a need for a new model of service delivery for 14-25s which will provide more effective transitional arrangements between children's and adults' services, promote individuals' independence, and which will make the best use of existing Council assets and resources;
  - (3) To get things right, extend the current contract for one year - ie, a more measured procurement approach. This is on the basis that it will allow time to develop an innovative and cost efficient new service;
  - (4) Personalisation is at the heart of the Children and Families Act – the increased use of personalised budgets will (i) help to deliver choice for parents and children through more flexible commissioning and (ii) reduce costs to the Council – eg, a case study involving one parent revealed a cost saving of 30% using a personal budget which covered what the parent and young person wanted.
- 3.35 The working group sees the service as part of the wider transition to adulthood, including the need to work closely with Adult Services. The continued development of the 14-25 service will be taken up by the Life Course Working Group in its investigations and report back to both this Panel and the Adult Services and Housing Policy and Scrutiny Panel.

### **3.36 Recommendations**

See the first page of this report.

## **4. CONSULTATION**

The working group's findings were informed by consultation with parents, carers, children and young people.

## **5. FINANCIAL IMPLICATIONS**

Should the NCH Action for Children contract be extended as per recommendation (1) above, further negotiation regarding the cost of the extended service will take place. It is anticipated that this will save at least £90,000 during the 2015/16 financial year (subject to further discussions currently taking place).

The proposal to remodel the service for 14-25 year old children and young people will present considerable opportunities to further savings from 2016/17. This will include the potential to reshape services across a range of areas of expenditure traditionally considered children's or adults' services to meet the challenges of the wider reforms in the Care Act and Children and Families Act. This includes exploring the potential for further pooling of budgets, personalisation and individual commissioning. It is not possible to estimate the potential savings at this stage. However these will be reported to this Panel in due course.

## **6. RISK MANAGEMENT**

There are risks and opportunities associated with this project. However, the project provides an opportunity re-design services to provide more flexibility and choice and to



provide a wider range of breaks to more children and young people, with improved transitions to adulthood.

## **7. EQUALITY IMPLICATIONS**

The Council is committed to ensuring that the consideration of equality and diversity becomes a day-to-day part of decision-making. Disabled children have 'protected characteristics' under equalities legislation, both in terms of age and disability. It is therefore essential that the Council have due regard to the equalities implications of any decisions about future services. A full equality impact assessment will be required to inform a Key Decision about short breaks once detailed proposals are ready to come forward.

Short breaks services can help promote inclusion and equality of opportunity but a range of breaks is required to match the diverse needs of disabled children and their families. It is therefore important to consider both the level and the range of the service in assessing whether the overall impact of any change is negative or positive from an equalities point of view.

## **8. CORPORATE IMPLICATIONS**

Improving outcomes and reducing the costs of children's services is a priority in the Corporate Plan.

This investigation by the working group aligns with the values in the Corporate Plan of putting people first and working with and involving others.

## **9. OPTIONS CONSIDERED**

(1) Do nothing – not an option because of the need to respond to the legislative changes and the budgetary challenges confronted by the Council.

or

(2) Remodel the service to not only realise savings and efficiencies but also ensure simplicity of delivery and access, have regard to the needs of parents and children, and maximise the use of personal budgets. The working group consider that this would be best achieved by extending the current contract for one year to enable a more measured procurement approach and thereby allow time to develop an innovative and cost efficient new service.

### **Members of the Working Group**

Councillors Anne Kemp (Chairman), Jill Iles and Annabel Tall and Mr Justin Templer.  
Councillor Colin Hall in attendance.

### **AUTHOR**

#### **Officer:**

David Jellings, Scrutiny Officer, Tel: 01275 884219  
E-mail: david.jellings@n-somerset.gov.uk

