

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

3800

Author:

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Department:

Strategy and Resources

Contact:

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Subject:

Short Breaks activities for disabled children

Total Value:

£591,200 (Type: Revenue)

Decision Being Taken:

- 1) Approve the expenditure of £591,200 over the entirety of the contract terms for the provision of the Short Breaks services detailed in Appendix 1.
- 2) Approve the procurement of the Short Breaks services detailed in Appendix 1 through an appropriate procurement process, and to award the contract(s) for the services based on the outcomes of the procurement process. The approved contract(s) would commence in May 2020, for a four - year period.
- 3) Delegate authority to the Head of Contracting and Procurement to approve the outcome of the procurement processes and award the contract(s) to the providers that are deemed most suitable to provide these services.4) Delegate authority to the Head of Contracting and Procurement to sign the final contract(s).

Reasons for the Decision(s)

Short breaks are specialist services for disabled children/young people and their families, to enable the child/young person to take part in activities, whilst giving their families a break. Nottingham City Council have a statutory obligation under the Breaks for Carers of Disabled Children regulations (2011) to ensure suitable short breaks are available. The Children and Families Act 2014 requires that families are able to choose to access a personal budget, which they use to meet the outcomes identified for the child/young person, rather than traditional services.

Short breaks are accessed through Nottingham City Council's Personal Budgets Team and are based on assessed need - a range of activities and support must be provided in line with the needs of the child/young person. The services detailed in Appendix 1 will form part of a range of services which are delivered through a combination of in-house provision and commissioned services.

Only around 300 children/young people access short breaks in Nottingham City. When this cohort is divided based on needs/ability, preferred activities, appropriate age groups etc., groups are likely to be too small to offer an appealing business proposition for providers.

Nottingham City Council has historically struggled to commission short breaks services. Numerous models have been tried previously with little success, leaving gaps in the market. Because these services have never been successfully commissioned, demand is led by availability i.e. families choose services they know are reliable and high quality, over services they may have preferred, but may not be available. Therefore it is not possible to offer providers any assurance of how many families would access other activities if such activities were available. In consultation, providers identified that a key factor in them being able to deliver activities in Nottingham City would be some assurance of funding, for example in the form of a start-up payment covering part of the costs of the service.

In order to support development of the provider market, to secure both stability for providers and choice for families, it is recommended that Nottingham City Council commission short breaks group activities as a 'framework' contract, i.e. payment is based on activity, but that additional funding is made available for providers who would not otherwise be able to develop services in Nottingham City. This funding would be available as a one-off payment of up to £10,000 per provider (for up to 6 providers) as part of the procurement application process, and would be awarded based on the provider clearly identifying a business need for this additional funding. Examples of suitable uses could include staff recruitment/retention, venue hire, establishing referral processes etc.

It is also recommended that Nottingham City Council commission one-to-one support for families of children/young people with lower levels of identified need. There is currently a one-to-one service provided in-house - this service is excellent but due to its popularity, and recruitment issues, there is a waiting list. The in-house service is high quality and good value for those with more complex needs, but offers a relatively expensive model of support for families with lower levels of need. Therefore it is recommended to commission additional one-to-one support for families of children/young people with lower levels of need only, to reduce waiting lists for the service, and improve value for money. It is recommended that the one-to-one support be commissioned as a standard framework contract, so that families can choose to access this alternative support if they wish, with no additional cost to Nottingham City Council should families not wish to access this form of support.

Commissioning both services at the same time is likely to incentivise providers who offer one-to-one support to also sign up to offer group activities. To ensure support is available when needed, it is recommended that suitable services are in place to commence from summer 2020.

The funding for these services is to come from the existing short breaks budget. It is acknowledged that improving our service offer may incentivise a small number of new families to apply for a short break, the majority of the families accessing these services will be those currently using other, higher cost services. Therefore in the longer term these services are expected to be cost-neutral or create savings in other services.

Briefing notes documents: Appendix 1 - Short breaks service costs.docx, Feedback from providers 2019 (1).pdf

Other Options Considered: 1) Commission both services as standard framework contracts. This option was rejected as the provider market is very small, and mostly made up of small charitable organisations which have very limited resources. In order to support this cohort of children/young people, highly skilled staff are required, and these staff must be recruited, vetted, trained and quality assured. This means most organisations would not be able to create or leave places available in services for families who may wish to access them, without any guaranteed numbers or income. Therefore a purely activity-based payment model for group activity is not viable for most providers, and providers have identified this. 2) Commission both services as block contracts with a fixed value for the whole cost of the service. A block contract can provide poor value for money where there is no assurance of activity. It is popular with providers as it offers a guaranteed income, but can only be given to a small number of providers through a competitive process, limiting the number of providers and doing nothing to develop the market. This model does not support family choice and so was rejected. 3) Do nothing. This option was rejected as this would leave a lack of services, and inequitable provision - there is currently no group holiday provision for those with Autism/behaviour that challenges and no youth groups or weekend group activity for disabled children except those which families access by Direct Payments. This could be seen as not fulfilling statutory duties, which would risk judicial review as well as reputational risk to Nottingham City Council. It is likely that spot-purchasing of activities would continue outside of the contract, which usually results in poor value for money and no cohesive service model.

Background Papers:

Published Works: Breaks for Carers of Disabled Children regulations (2011)
Children and Families Act (2014)
Chronically Sick and Disabled Persons Act (1970)
Framework for Assessment of Children in Need and their Families (2000)
DDM 2330 - Procurement of Short Breaks Services for Disabled Children

Affected Wards: Citywide

Colleague / Councillor Interests: N/A

Consultations: Date: 01/05/2019
Minority Groups: Face-to-face consultations with families of disabled children. Rainbow PCF and Nottingham Futures carried out face-to-face and online engagement with families.

Families want to see more capacity in services (1-1 support) and group activities that are able to cope with children with behaviour that challenges. Services should teach/encourage independence skills and travel training. Families also want more of other types of Short Breaks services (which are being considered outside of this report). Many families struggle with Direct Payments as it can be difficult to find services to buy.

Young People with disabilities want the same opportunities as any young person - to be able to go places and do things with friends. Group activities and 1-1 support encourage and support this.

Date: 04/10/2019

Other: Stakeholder event attended by a wide range of professionals from Nottingham City Council Short Breaks and Social Care teams, staff from Crocus Fields and The Villas, health professionals, CCG colleagues and providers.

Health and Social Care professionals identified that many families aren't getting the care they've been assessed as needing due to lack of services and lack of capacity in services.

Most providers identified that, as small organisations, they are unable to take on contracts on a 'payment on activity' model, so would not sign up to framework contracts. Providers would not be able to cover setting up costs without some guaranteed income. Providers would be supported by having some guaranteed funding, as well as good links to, and communication with, the referral teams.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

N/A

Equality:

Please login to the system to view the EIA document: Appendix 2 EIA 2019 - DRAFT.docx

Social Value Considerations:

Not applicable as the value of the contract is below the EU threshold.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

02/03/2020

Advice Sought:

Legal, Finance, Procurement, Equality and Diversity

Legal Advice:

This report does not raise any significant legal issues except for the proposal to pay the £10k advance payment. The Legal team will discuss the proposal for the advance payment with the commissioning team to ensure the contract includes appropriate provisions for the protection of the City Council. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 06/02/2020.

Finance Advice:

This decision seeks approval for the procurement of the Short Breaks services outlined by the report author to support children and young people with disabilities and their families. Nottingham City Council have a statutory obligation under the Breaks for Carers of Disabled Children regulations (2011) to ensure suitable short breaks are available.

The total cost of this decision is £0.591m over the duration of the 4 year contract, due to commence Summer 2020. There is existing budget provision incorporated within the Medium Term Financial Plan to fund this decision.

This decision seeks to commission the one-to-one support as a standard framework contract, with no additional cost to Nottingham City Council should families not wish to access this form of support. The decision seeks to commission short breaks group activities as a 'framework' contract, with payment based on activity, however, additional funding will also be made available for providers who would not otherwise be able to develop services in Nottingham City. This funding would be available as a one-off payment of up to £0.010m per provider (for up to 6 provider) and would be subject to a formal procurement application process.

The improved service offer proposed may incentivise a small number of new families to apply for a short break, the majority of which are likely to be accessing other, higher cost services. Therefore, in the long term, the services are expected to be cost-neutral or create small savings.

Value for money will be secured through the procurement exercise, ensuring the most appropriate services are sought for our citizens and the organisation.

Advice provided by Hayley Mason (Strategic Finance Business Partner) on 24/01/2020.

Equality and Diversity Advice:

The Equality Impact Assessment has been reviewed and no changes are required. The proposal has a positive impact on a specific protected characteristic, young people with disabilities. Advice provided by Sally Edwards (Equality Diversity & Inclusion Lead) on 22/01/2020.

Procurement Advice:

The decision to procure Short Breaks services is supported by the Procurement Team. The Procurement Team have been involved with the project and will manage the procurement process in accordance with Nottingham City Council's Financial Regulations. Advice provided by Nicola Harrison (Procurement Lead Officer) on 22/01/2020.

Signatures

Cheryl Barnard (Portfolio Holder- Children and Young People)
SIGNED and Dated: 20/02/2020
Catherine Underwood (Corporate Director for People)
SIGNED and Dated: 07/02/2020