

## Commissioning and Procurement Executive Committee – 9 July 2024

<b>Subject:</b>	Home and Community Short Breaks		
<b>Corporate Director:</b>	Ailsa Barr – Children and Education Services (Interim)		
<b>Executive Member:</b>	Councillor Pavlos Kotsonis – Adult Social Care and Health		
<b>Report author and contact details:</b>	Cath Cameron-Jones – Commissioning Manager <a href="mailto:Cath.Cameron-jones@nottinghamcity.gov.uk">Cath.Cameron-jones@nottinghamcity.gov.uk</a>  Zoe Richards - Interim Lead Commissioning Officer <a href="mailto:zoe.richards@nottinghamcity.gov.uk">zoe.richards@nottinghamcity.gov.uk</a>		
<b>Other colleagues who have provided input:</b>	Mark Astbury - Finance, Amana Parveen – Legal Jo Pettifor – Procurement		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<b>Subject to call-in</b>
			<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> No
<b>Reasons:</b>	<input checked="" type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £750,000 or more
taking account of the overall impact of the decision			<input checked="" type="checkbox"/> Revenue
			<input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes
			<input checked="" type="checkbox"/> No
<b>Type of expenditure:</b>	<input checked="" type="checkbox"/> Revenue	<input type="checkbox"/> Capital	
If Capital, provide the date considered by Capital Board – n/a			
<b>Total value of the decision:</b>	£1.8m (up to a maximum)		
<b>Section 151 Officer expenditure approval</b>	Has the spend been approved by the Section 151 Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/a		
<b>Commissioner Consideration</b>	Has this report been shared with the Commissioners' Office? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
	Any comments the Commissioners wish to provide are listed in section 6 below.		
<b>Wards affected:</b>	All		
<b>Date of consultation with Executive Member:</b>	3 July 2024		
<b>Relevant Council Plan Key Outcome:</b>			
Green, Clean and Connected Communities	<input type="checkbox"/>		
Keeping Nottingham Working	<input type="checkbox"/>		
Carbon Neutral by 2028	<input type="checkbox"/>		
Safer Nottingham	<input type="checkbox"/>		
Child-Friendly Nottingham	<input checked="" type="checkbox"/>		
Living Well in our Communities	<input checked="" type="checkbox"/>		
Keeping Nottingham Moving	<input type="checkbox"/>		
Improve the City Centre	<input type="checkbox"/>		
Better Housing	<input type="checkbox"/>		
Serving People Well	<input checked="" type="checkbox"/>		
<b>Summary of issues (including benefits to citizens/service users):</b>			
Breaks for Carers of Disabled Children Regulations 2011 outline the requirements for local authorities in providing short breaks to disabled children in relation to the statutory duty under paragraph 6(1) of Schedule 2 to the Children Act 1989 which mandates local authorities to offer services that assist carers of disabled children.			
These services aim to allow carers to continue their caring responsibilities effectively by providing them with breaks from caring. This is part of the local offer to children with Special Educational			

## Needs and Disabilities (SEND).

The Council's current short breaks offer includes residential overnight stays, community and homebased short breaks, such as activity sessions and buddying. This report refers to the commissioning of an accredited provider list for homebased and community short breaks provision only. The residential overnight stays are commissioned via a separate contract and will not be included in this tender.

It is recognised that children are ordinarily best cared for within their family and are therefore seeking to further develop services to support families to continue to care for their children and avoid having their child becoming looked after.

The proposed arrangements will be local and available at suitable times, such as, afterschool, weekends and within school holidays, which will enable parents and carers to receive essential respite from the additional caring responsibilities experienced through having a disabled child. In seeking to develop a wider short break offer the Council aims to promote greater choice and control for families, leading to better outcomes for young people and their families.

The current accredited provider list is due to cease on 30 September 2024 and therefore to ensure that statutory duties are met and that families continue to be supported, a new accreditation needs to be commissioned. The new accreditation will enable an increase in the number of providers that can be accessed and enable new providers to join throughout the contract duration, increasing the offer to families with disabled children.

There will be no guarantee of work for the providers that are on the accredited provider list, and work will be awarded via an agreed mechanism of citizen choice and/or mini competition through expression of interest. The accreditation will allow for individual sessions or small blocks to be accessed via a call-off (e.g. buying a set number of places in an activity for a set number of weeks to increase provision during holiday times).

The proposal is to develop an accredited provider list of providers, that will commence on 1 October 2024 for a period of up to 9 years (with break clauses at year 5, 7 and 9).

Two lots will be included:

- 1) community group-based day provision, for children aged 5-17 years, all disability types (with potential to continue delivery post 18 subject to self-funding or personal budget);
- 2) home and community based 1:1 provision, for children aged 0-17 years, day/ overnight – the primary cohort expected to require support are those with a physical disability and/ or complex health needs but providers supporting other citizens are welcome to apply. There is potential to continue delivery post 18 subject to self-funding or personal budget. Home based provision must be CQC registered.

Funding for this accreditation is from the existing short breaks home and community budget of £150,000 a year with a further £50,000 a year which would come from the exiting direct payments short break budget or the overnight short breaks budget to allow for any changes to the way existing families chose to take their short break allocation.

A total maximum contract value of £1.8m over 9 years.

**Exempt information:** None

### **Recommendations:**

- 1 To approve the proposal to procure an accredited provider list of short breaks provision for a period of up to 9 years at a total maximum contract value of £1.8m.

<b>2</b>	To delegate authority to the Director of Commissioning and Partnerships to approve and award the outcome of the tender process for the Home and Community Short breaks.
<b>3</b>	To delegate authority to the Head of Service Contracts, Quality and Personalisation to enter into an appropriate Accreditation Agreement and to award and sign call-off contracts.

## 1. Reasons for recommendations

- 1.1 The existing Accredited Provider List for short breaks comes to an end on 30 September 2024, this only has one provider on it, offering a variety of breaks to young people with learning disabilities. Whilst this is a valued arrangement it is difficult for one provider to offer the full range of provision needed to meet the assessed needs of all children. The limited number of providers available reduces choice and flexibility and may impact on price.
- 1.2 Recent market development, undertaken by Community Catalyst utilising a Department of Education grant, has enabled a further 11 organisations to develop short break offers (initially funded through the Department of Education grant), aimed mainly at children with physical disabilities and long-term illnesses. It is anticipated that most of these providers will join a new accreditation. Community Catalyst indicate that there is a strong local market interested in offering short breaks which can be developed further.
- 1.3 An accredited list of providers is therefore, the most practical way of ensuring a procurement compliant method of purchasing services going forward, whilst enabling new providers to join the accredited list at any time, thus supporting the development of a buoyant provider market.

## 2. Background (including outcomes of consultation)

- 2.1 Where children are eligible for short breaks, there are 4 pathways or bands which set the amount of funding available for spend on short breaks. Families wishing to access a short break can apply for the standard pathway 1 or for those with higher needs they can access pathway 2 (funding is allocated using a resource allocation questionnaire).

To access support via pathway 3 and 4, a full social care assessment is required. Overnight short breaks are only available to those on pathway 3 or 4 and therefore, most pathways 1 and 2 spend is on activity based daytime short breaks, homecare or buddying services. The below table outlines the rates and mechanism used to allocate funding for each Pathway.

Pathway	Allocation mechanism	Band rate
1	Standard Offer evidence of disability required	£1,664
2a	Resource Allocation Questionnaire	£1,665-£3,600
2b	Resource Allocation Questionnaire	£3,601-£5,100
2c	Resource Allocation Questionnaire	£5,101-£6,654
3	Social Care Assessment	£6,665-£8,000
4	Social Care Assessment	£8,001-£9,984

- 2.2 The current community and homebased short breaks budget has been reduced to £150,000 a year over the last few years as it has been significantly

underspent, partly due to the lack of available options for families wishing to have a managed budget (where the local authority purchases the short break on their behalf). Potential pressures on this budget going forward include:

- families who have chosen to use a direct payment or receive support from the in-house link workers who help young people to access the community moving to a managed service provision;
- anecdotal feedback suggests that demand for overnight short breaks may be influenced by a lack of an effective daytime offer and therefore families may choose to reduce overnight breaks in favour of activities if there are more options;
- additional eligible families may apply for a short break if there is an improved offer.

2.3 It is therefore expected that spend going forward will increase to at least the level of the current community and homebased short break budget.

2.4 The value of the accreditation has been set at the current annual home and community short breaks budget (£150,000) over a 9-year period with a further £50,000 a year which would come from the exiting direct payments short break budget or the overnight short breaks budget to allow for any changes to the way existing families chose to take their short break allocation.

2.5 As described above, there is the potential that demand for short breaks may increase overall if the offer is more suited to family's needs. While new spend under this accreditation will require separate spend approval, the total spend, and uptake will be monitored on an on-going basis and formally reviewed in year 4 and 6 of the accreditation. Where it is identified that spend is likely to reach £1.8m before the full 9 years of the contract, a new procurement exercise will be completed early, rather than using the full contract length. This will also allow ongoing assessment of the market and whether competition and utilisation have increased which may impact on prices submitted to a new accreditation.

### 3. **Other options considered in making recommendations**

3.1 Options to commission a block with one or multiple providers was considered and discounted. Whilst this approach would provide a fixed price it would limit the options for diversity of offer, reduce choice and lead to unused but paid for provision.

3.2 It is hypothesised that with a more robust short break offer the Council will experience significant change across how services are used and therefore an approach that can test out different models without commitment is advised.

3.3 The market is currently limited, and we need to work closely with providers in partnership to encourage engagement and thus competition. An accredited provider list would enable the flexibility to procure small blocks as and when demand could be predicted, notably in school holidays, to encourage increased activity at times it is most needed.

3.4 The proposed model enables providers to offer a range of activities without the council prescribing what they should offer. This is likely to generate a wider range

of options and enable the market to react to the requirements of the young people and their families.

#### **4. Consideration of Risk**

- 4.1 Our current short break offer is and has been in recent years limited. As such the impact of having both an improved short break offer, and a strengthened early help/family support offer is as yet unknown. There is potential for general increased demand and a budget pressure if people move from direct payments as commissioned services may be more expensive than a direct payment utilised for a personal assistant. Conversely there are opportunities for cost avoidance within overnight short break budgets and delay in children being accommodated. Impact may therefore be seen across budgets with reduced travel costs and reduced placements.
- 4.2 Where spend through this accredited provider list exceeds the home and community budget of £150,000 annually, analysis of where this increase has come from will be required to monitor risk to overall budgets going forward.
- 4.3 The accredited provider list will not guarantee any business to a provider and individual spend control requests will be required for new spend under this accreditation. Review of the current allocations policy may be required if eligible demand increases substantially.

#### **5. Best Value Considerations**

- 5.1 There will be no set value for breaks delivered under this contract as offers will vary in both in length of time, type of activity offered and number of people able to participate.
- 5.2 Families are given an annual budget according to their eligibility for breaks under the pathway system and will choose how they wish to spend this.
- 5.3 If a more expensive activity is chosen, they will have less quantity of break but this may be preferred due to the time or location it is offered or the type of activity and so offer best value to the individual and their family as the break will meet their needs more appropriately than another option.
- 5.4 Providers will be made aware of the pathway budgets and if wanting to maximise attendance at group activities, will price activities at affordable rates.
- 5.5 The market development being done currently includes conversations about pricing.

#### **6. Commissioner comments**

- 6.1 The Commissioners are content with this report and have no specific comments to add. (24/06/2024)

#### **7. Finance colleague comments (including implications and value for money/VAT)**

- 7.1 This report seeks approval to procure an accredited provider list of short breaks provision for a period of up to 9 years at a total maximum contract value of £1.8m.

7.2 The maximum contract value is based on annual costs of:

Short Breaks Commissioned Services	£0.150m
Residents currently in receipt of a Direct Payment	<u>£0.050m</u>
<b>Total</b>	<b>£0.200m</b>

7.3 As mentioned in the report, the Short Breaks budget has historically been underspent and was reduced to £0.150m in 2023-24 with actual spend in that year of £0.085m. The Direct Payments budget on the contrary has shown increasing costs and overspends in 2022-23 and 2023-24.

7.4 Although the accredited provider list does not, of itself, commit the council to a particular level of spend, it does open the council to the potential for increased demand and cost as provision is developed and need is recognised and met.

7.5 The service should ensure that measures are put in place to monitor and manage activity and cost. At the present time, it is not clear how many residents are being supported, at what cost and whether there are likely increases in demand.

7.6 The service should also review the current allocation mechanism to ensure that eligible needs may be met from within existing resources.

Mark Astbury, Interim Strategic Finance Business Partner – 13/06/2024

## 8. **Legal colleague comments**

8.1 This report seeks approval to procure an accredited providers list of short break provision for a period of 9 years at a total maximum contract value of £1.8M.

8.2 The current accredited providers list for short breaks comes to an end on 30 September 2024. Due to the nature of the services falling within the Light Touch Regime of the Public Contract Regulations 2015. The Council is permitted to establish a more flexible arrangement and a choice of an accreditation process provides this, with the ability to open up to new providers during the term.

8.3 The report proposes a long term of 9 years with break clauses at year 5 7 and 9. The long term is considered to offer best value and more security for providers. The break clauses will need to be sufficiently detailed in the contractual documentation.

Amana Parveen, Solicitor - 5 June 2024

## 9. **Other relevant comments**

### **Procurement**

9.1 This report proposes the establishment of an Accredited List of providers to deliver community and home-based short breaks for children and young people.

9.2 The procurement process will be undertaken under the Light Touch Regime of the UK Procurement Regulations and in compliance with the Council's Contract Procedure Rules.

9.3 The proposed accreditation process will quality assess providers to ensure their ability to deliver in line with the service requirements. It will enable new providers to

be accepted onto the Accredited List during its lifetime and the call off process for allocation of work will allow the citizen to choose providers of the service for their needs.

- 9.4 Costs to the Council will be managed through the pathway system which sets individual budgets for families based on their needs. Families will then choose providers based on their needs, services offered and prices. Therefore, the accreditation will facilitate best value through the competition between providers and the transparency of prices. The Procurement Team will support with the procurement process to ensure compliance and best value.

Jo Pettifor, Category Manager, People - 3 June 2024

**10. Crime and Disorder Implications (If Applicable)**

10.1 Not applicable.

**11. Social value considerations**

11.1 Short breaks not only benefit the children but also contribute to stronger, more resilient families. By providing support and fostering independence, they play a vital role in enhancing the lives of children with SEND. Social Value will be considered as part of the new specification and monitored accordingly.

**12. Regard to the NHS Constitution (If Applicable)**

12.1 Not applicable.

**13. Equality Impact Assessment (EIA)**

13.1 An EIA is in progress and due regard will be given to any implications identified in it.

**14. Data Protection Impact Assessment (DPIA)**

14.1 A DPIA is in progress and due regard will be given to any implications identified in it.

**15. Carbon Impact Assessment (CIA)**

15.1 A CIA is not required because this is an activity-based contract with no specific CIA implications.

**16. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

16.1 None.

**17. Published documents referred to in this report**

17.1 None.