

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

2330

Author:

Lisa Lopez

Department:

Children and Families

Contact:

Lisa Lopez

(Job Title: Commissioning Manager, Email: [lisa.lopez@nottinghamcity.gov.uk](mailto:lisa.lopez@nottinghamcity.gov.uk), Phone: 01158762746)

Subject:

Procurement of Short Breaks services for disabled children

Total Value:

£425,000 (Type: Revenue)

Decision Being Taken:

- 1) To approve the procurement of the Short Breaks services outlined in Appendix 1 to support children and young people with disabilities, and their parent carers.
- 2) To delegate authority to the Head of Contracting and Procurement in consultation with the Portfolio Holder for Early Intervention and Early Years to approve the outcome of tenders, agree the final values and award contracts for the services detailed in Appendix 1, providing this does not exceed the maximum values indicated.
- 3) To delegate authority to the Head of Contracting and Procurement to sign the final contracts in respect of the services detailed in Appendix 1.
- 4) To approve the budget to support the contractual values set out in Appendix 1

**Reasons for the Decision(s)**

**1.1 In order to allow commissioning of mandatory activity to take place, to maintain service provision for citizens and meet local need. The procurement of a range of short breaks services will seek to ensure the delivery of high quality services, at the best possible value for money. By extending the range of short breaks services we commission, we would increase the choice of activities and support available for children and young people with disabilities, and fulfil our statutory obligations to provide a range of short breaks services.**

**1.2 To enable contracts to be issued in a timely manner to ensure continuity of service delivery from September 2016, when the current contractual arrangements time expire.**

**In line with The Children's Act 1989, and local authority responsibilities to carers under The Care Act 2014, Nottingham City Council provides Short Breaks services to meet the needs of children/young people with disabilities and their families. Short Breaks provide a break from care for the parents/carers, whilst allowing the children/young people with disabilities to take part in activities which support positive outcomes. Children/young people are entitled to a Short Break if they live in Nottingham City, have a permanent and substantial disability and are unable to access universal and additional services without significant specialist support.**

**There are currently only two externally commissioned services; one of which provides some evening, weekend and school holiday day trips to children/young people, primarily with autism and learning difficulties; and one which provides 3 weeks of summer holiday activities for children/young people with complex physical needs and learning disabilities. The contracts for these two services are due to end on 31st August 2016. These services are delivered through block contracts. A review of these services has indicated that whilst they appear to offer value for money, they provide only a very limited range of services.**

**In consultation with a wide range of local providers, we have identified that the market is not sufficiently developed to make an open framework cost/volume contract viable at this time, and that providers will require some assurance of income to ensure that they can continue to deliver services. However it is acknowledged that no additional funding is available, and that savings targets need to be met.**

**Therefore it is proposed that we commission a small number of external services, which cover the essential support needs and key times identified by citizens. These services will be aligned with the services provided internally by the Disabled Children's Team and will be accessed through the same pathways. The contracts will comprise an initial block payment, to cover activity up to a specified level, and payment on attendance from that level onwards. This would improve the range of services available to citizens, whilst allowing us to deliver increased value for money, and give providers a degree of support. Citizens could still access other services via direct payments if they chose to do so. We would then be in a position to work with the market to develop services, and ensure that other activities are available for citizens to purchase through their direct payments. This would allow us to maintain the option to increase the number of services, and possibly move to an open framework model, if funding becomes available to do so in the future.**

**Briefing notes documents:**

**Appendix 1.doc, Appendix 2.doc**

**Other Options Considered:**

**1)Do Nothing**  
 The contracts for the existing services end on 31st August 2016. These contracts have previously been extended to allow the review of Short Breaks provision to take place. Advice from legal colleagues is that there can be no further extensions to these contracts. If we do nothing we would be relying solely on citizens receiving direct payments and purchasing their own support. It's likely that this would lead to less choice being available, as the number of providers able to sustain activities would reduce over time.

**2)Internal services only**  
 If all short break services were provided by the City Council it would severely limit the choice of services on offer. This would limit the potential to develop some lower cost community options and would negatively impact on citizens. Given that internal Short Breaks services have struggled to recruit staff, it's unlikely that Nottingham City Council would be able to recruit sufficient staff to deliver this model. It's also likely that once staff costs are factored in, this model may not be a cost effective approach.

**3)Internal plus framework**  
 Consultation with providers in Nottingham City and Nottinghamshire County has identified that the market is not ready for a payment-on-attendance model. The model would not guarantee a number of service users to providers, and this is not sustainable for some of the key providers. If we were to proceed with this model it is likely that we would not receive sufficient interest from providers to offer an equitable range of services. Some local providers have withdrawn from frameworks as the model has actually cost the provider money. There is a real risk that an attempt to procure this model would fail.

**4)External only**  
 This would entail removing all internal provision and procuring a complete external service, including the officers responsible for assessments. It is unlikely to be practical to re-deploy all internal staff, or to place them at risk of redundancy.

**Background Papers:**

None

**Published Works:**

None

**Affected Wards:**

Citywide

**Colleague / Councillor Interests:**

None

**Consultations:**

Date: 15/12/2015

Other City Council Bodies:Consultations with the Special People's Group - o Activities and choices (November 2015) o Short Breaks activities and services (December 2015)

Cares and Young people felt that services need to cater for a wide range of different levels of support and need. Young people preferred each service to cater for the whole range of needs, e.g. physical assistance, challenging behaviour, rather than have individual services to work with the different support needs. Key times that support is required were identified as weekends including Friday evenings, and school holidays. The proposed service model has been developed as a result of the above feedback, for each service to support children and young people with a wide range of ages, abilities and backgrounds.

**Date: 16/11/2015**  
**Other:**The following consultations have taken place, which have influenced the proposed service model: .Parent and Carer consultation SEN and disability (SEND) 2015 .Children and Young People consultation SEN and disability (SEND)2015 Market engagement - SEND Provider Engagement Event (November 2015

Consultations with children/parents/carers confirmed that the key times that support is required are weekends and school holidays. The service model has been developed in line with this feedback. Provider feedback confirmed that a framework model is unlikely to be sustainable at this time - many providers are struggling to make services cost effective to deliver on framework/pay on attendance models. Anecdotal information that framework model is not working well for our potential providers across other areas. Providers asked for some guarantee of income, and help to identify and market/promote their service to appropriate service users. The proposed service model will include a block payment for part of the contract value, to support the providers, and cost/volume beyond an agreed level of performance. This will encourage providers to increase performance, and support moving towards a fully cost/volume model.

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: Equality Impact Assessment - Procurement of Short Breaks.doc

**Social Value Considerations:**

Social Value is inherent in the subject matter of this procurement, as it would offer a range of services accessible by children/young people with special educational needs and disabilities (SEND) and their families. We will also be supporting local voluntary sector organisations by ensuring that the contracts offered deliver adequate support to the providers. The possibility for creating additional social value (for example generating employment and training opportunities) will be considered as part of the procurement process.

**Decision Type:**

Portfolio Holder

<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>16/02/2016</b>
<b>Advice Sought:</b>	<b>Legal, Finance, Procurement, Equality and Diversity</b>
<b>Legal Advice:</b>	<b>This report does not raise any significant legal issues. Advice provided by Andrew James (Team Leader Contracts and Commercial) on 19/01/2016.</b>
<b>Finance Advice:</b>	<p><b>It is proposed to procure a Short Breaks service to support children and young people with disabilities and their parent carers for three years, with an option for a further 2 years, with effect from 1st September 2016, when the existing contracts expire.</b></p> <p><b>The annual cost of the existing contracts is £95k. It is estimated that the annual cost of the new contract will be £85k, giving an estimated saving of £10k per year.</b></p> <p><b>Any saving achieved will contribute to the Children's and Adults 2016/17 Strategic Choice savings.</b></p> <p><b>Steve Lynk - Finance Analyst 0115 8763726 steve.lynk@nottinghamcity.gov.uk 14th January 2016</b></p> <p><b>Advice provided by Stephen Lynk (Finance Analyst) on 14/01/2016.</b></p>
<b>Procurement Advice:</b>	<b>Provision of a short breaks service is a statutory duty of the Local Authority. A procurement exercise will be undertaken in order to tender for Providers to deliver a range of specified short-break services within the allocated budget. This is in accordance with Nottingham City Council Financial Regulations and is within the EU threshold amount. This proposal is therefore supported from a Procurement perspective. Advice provided by Kate Lowman (Lead Procurement Officer) on 21/01/2016.</b>
<b>Equality and Diversity Advice:</b>	<p><b>The proposal offers equality of opportunity to some of our most vulnerable groups (in this case disabled young people) and supports our Public Sector Equality Duty.</b></p> <p><b>Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 11/01/2016.</b></p>
<b>Signatures</b>	<p><b>David Mellen (PH Early Intervention and Early Years)</b></p> <p><b>SIGNED and Dated: 09/02/2016</b></p> <p><b>Alison Michalska (Corporate Director for Children and Adults)</b></p> <p><b>SIGNED and Dated: 03/02/2016</b></p>

**PROCUREMENT PROPOSAL: SHORT BREAKS SERVICES**

Services	Contract start date	Contract Duration	Total Annual Contract Value – all services £	Total Contract Value – all services £	Recommended Procurement Arrangement:
<p><b>Short breaks Services comprising activities to take place during school holidays and weekends</b></p>	<p>01/09/2016</p>	<p>3 years (with the option to extend the contract for a further 2 years)</p>	<p><b>£85,000</b></p>	<p><b>£425,000</b></p>	<ul style="list-style-type: none"> <li>• It is proposed to commission a small number of Short Breaks services, covering the key times and support needs identified by citizens. The contracts will comprise an initial block payment, to cover activity up to a specified level, and payment on attendance from that level onwards. This would improve the range of services available to citizens, whilst allowing us to deliver increased value for money, and give providers a degree of support.</li> <li>• Performance will be monitored closely throughout the duration of the contract to ensure that the services are delivered effectively and best value is obtained from the contractual arrangements.</li> </ul>

**CURRENT SHORT BREAKS SERVICES**

<b>Provider</b>	<b>Contract start date</b>	<b>Contract expiry date</b>	<b>Annual Contract Value £</b>	<b>Total Contract Value £</b>	<b>Service provided</b>
<b>Fundays</b>	01/09/2010	31/08/2016	<b>£47,500</b>	<b>£285,000</b>	Summer holiday activities for children/ young people with special educational needs, and/or a disability. Some of these children also have other complex health needs and/ or challenging behaviour.
<b>Autism East Midlands</b>	01/09/2010	31/08/2016	<b>£47,500</b>	<b>£285,000</b>	Saturday clubs, day trips and evening/youth club activities for children/ young people with Autistic Spectrum Disorder. Some of these children also have other complex health needs and/ or challenging behaviour.
<b>Total</b>			<b>£95,000</b>	<b><u>£570,000</u></b>	

## Equality Impact Assessment Form (Page 1 of 3)

**Title of EIA/ DDM: Procurement of Short Breaks services**

**Name of Author: Lisa Lopez**

**Department: Children and Families**

**Service Area: Strategy and Commissioning**

**Author (assigned to Covalent): Lisa Lopez**

**Director: Colin Monckton**

**Strategic Budget EIA Y/N (please underline)**

### **Brief description of proposal / policy / service being assessed:**

A change to the delivery model of the Short Breaks Services for disabled children (commissioned by the Council) is proposed. The Council has a statutory duty to provide the Short Breaks for children/young people with special educational needs and disabilities (SEND), and their parents/carers/families. These services will provide respite for the parents/carers, reducing stress and the risk of family breakdown. The services will enable children/young people with special educational needs and disabilities (SEND) to take part in enjoyable activities which support their development and improve their outcomes.

The changes to the services are as follows:

- Current arrangements – 2 services commissioned by Nottingham City Council as Short Breaks activities for disabled children
  - Fundays - Summer holiday activities for children/ young people with special educational needs, and/or a disability.
  - Autism East Midlands - Saturday clubs, day trips and after school activities youth club activities for children/ young people with Autistic Spectrum Disorder.

The services provide support to limited numbers of children young people with specific needs, via block contracts.
- Proposed arrangements – to commission a small range of Short Breaks services, to supplement the services already provided directly by Nottingham City Council Disabled Children's Team. The services will meet the essential support needs and key times identified by citizens. The contracts will comprise an initial block payment, to cover activity up to a specified level, and payment on attendance from that level onwards.

This change would improve the range of services available to children/young people with SEND and their families, whilst allowing Nottingham City Council to deliver increased value for money.

### **Information used to analyse the effects on equality:**

#### **Reports -**

- Short Breaks options generation report - [..\Short Breaks presentation 2015\Short Breaks Full Report 2015 - DRAFT.ppt](#) (an abbreviated version of this report was presented at an Options Generation workshop with heads of service and stakeholders from Children's Services and Nottingham City CCG)
- Short Breaks 'viewpoints' report - [..\Short Breaks presentation 2015\Short Breaks viewpoints Report LL - DRAFT.doc](#) (compiled from consultations with citizens, colleagues from Contracts Management, Procurement, Disabled Children's Team, and local service providers)

#### **Consultation with citizens –**

The following consultations have taken place, which have influenced the proposed service model:

- Parent and Carer consultation SEN and disability (SEND) 2015

- Children and Young People consultation SEN and disability (SEND) 2015
- Consultations with the Special People's Group –
  - Activities and choices (November 2015)
  - Short Breaks activities and services (December 2015)

A small number of parents have agreed to provide input into service specifications, and will be part of the procurement and evaluation process during 2016.

**Market engagement –**

- SEND Provider Engagement Event (November 2015)

	Could particularly benefit <b>X</b>	May adversely impact <b>X</b>	How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed change would improve the range of services available to approximately 423 children/young people with SEND and their families.</p> <p>The current choice of commissioned services is very limited.</p> <p>The new service model will ensure that the services are accessed by children/young people with identified support needs, as part of their allocated funding/hours of support.</p> <p>There will be an increased range of services available, and citizens will be able to access other, non-commissioned services via direct payments if they choose to do so.</p> <p>The changes to services will not impact on the amount of hours or funding support allocated to individuals.</p> <p>The proposed new services meet needs identified by consultations with citizens. The Parent and Carer consultation SEN and disability</p>	<p>This change is expected to offer benefits for children/young people with special educational needs and disabilities and their families, and presents no expected negative impacts.</p> <p>Citizens have been included in each stage of the service design, and will be included in the procurement and evaluation process.</p> <p>The new services will be procured through a fair and transparent process, undertaken by the Council's Procurement Team.</p> <p>Performance / quality monitoring undertaken by the Council's Contract Management Team will seek to ensure that the anticipated benefits for citizens of expanding the service are delivered by offering checks and prompting remedial action where necessary.</p>
Men	<input type="checkbox"/>	<input type="checkbox"/>		
Women	<input type="checkbox"/>	<input type="checkbox"/>		
Trans	<input type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>		
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>		
Older	<input type="checkbox"/>	<input type="checkbox"/>		
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).				
<u>Children/young people with SEND, and their parents/carers/families</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
<b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b>				

			(SEND) received 158 responses. Whilst this was identified as a very positive response, the relatively small sample size means that no overall pattern to the needs of any specific ethnic group was identifiable.	
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**Outcome(s) of equality impact assessment:**

- No major change needed  •Adjust the policy/proposal  •Adverse impact but continue
- Stop and remove the policy/proposal

**Arrangements for future monitoring of equality impact of this proposal / policy / service:**

Assessment to be reviewed annually from the commencement of the contract.

**Approved by (manager signature):**

The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.

Clare Gilbert, Lead Commissioning Manager  
Email: [clare.gilbert@nottinghamcity.gov.uk](mailto:clare.gilbert@nottinghamcity.gov.uk)  
Tel: 0115 87 64811

**Date sent to equality team for publishing:**

**18/12/2015**

Send document or link to:  
[equalityanddiversityteam@nottinghamcity.gov.uk](mailto:equalityanddiversityteam@nottinghamcity.gov.uk)

**Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:**

1. Read the guidance and good practice EIA's  
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.