

Decision Maker: **Children and Young People Portfolio Holder**

Date: **For Pre-Decision Scrutiny by the Children and Young People PDS Committee on 20 March 2012**

Decision Type: Non-Urgent Executive Non-Key

TITLE: WEEKEND AND HOLIDAY SHORT BREAK PROVISION FOR DISABLED CHILDREN AND YOUNG PEOPLE: GATEWAY REVIEW

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Chief Officer: Gillian Pearson, Director of Children and Young People Services

Ward: All

1. Reason for report

- 1.1 Bromley Local Authority has been providing weekend and holiday Short Breaks provision for disabled children and young people since April 2010 via Riverside School, a Bromley maintained special school. This report informs the Children and Young People (CYP) Portfolio Holder and the CYP Policy & Development Scrutiny Committee of the outcomes of a Gateway Review conducted into the ongoing delivery of this provision.
- 1.2 The Short Breaks provision forms an integral element of the Bromley CYP Disability Strategy and provides a preventative service aimed at ensuring disabled children remain within their family homes.
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2. **RECOMMENDATION(S)**

- 2.1 **The CYP Policy Development and Scrutiny Committee is asked to consider and comment on the recommended decision to continue to commission the majority of Short Breaks provision from Riverside School via an internal Service Level Agreement.**
- 2.2 **The CYP Portfolio Holder is asked to endorse the recommended decision to continue to commission the majority of Short Breaks provision from Riverside School via an internal Service Level Agreement.**

Corporate Policy

1. Policy Status: Existing policy: Short Breaks Statement 2011/12
Aiming High for Disabled Children
 2. BBB Priority: Children and Young People
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Financial

1. Cost of proposal: £248,406 per annum
 2. Ongoing costs: £248,406 in 2013/2014 (subject to available funding) with Gateway review to be completed for future delivery in 2014/2015
 3. Budget head/performance centre: Special Educational Needs & Disability, A&I
 4. Total current budget for this head: £248,406
 5. Source of funding: Existing budget provision
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Staff

1. Number of staff (current and additional) – 53 staff are currently employed for service delivery.
 2. If from existing staff resources, number of staff hours – A number of staff are already employed by Riverside School and undertake this work in addition to their school hours, the remainder of the staff are employed on a casual bank basis for the purpose of delivery of this provision only
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Legal

1. Legal Requirement: Statutory requirement:
 2. Call in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected) - Approximately 150 disabled children and young people (5-18) currently use this service. It is expected that this will increase to approximately 170 during 2012/13
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1 Since 1 April 2011 the Local Authority has had a legal duty to provide Short Breaks to those assessed as being eligible for such provision, and the duty extends to the Local Authority providing an appropriate and relevant range and choice of short break services as deemed necessary by way of consultation with stakeholders, including service users.
- 3.2 An appropriate level (appropriate to individual needs) of Short Breaks acts as a preventative mechanism to support disabled children and young people to remain in their family homes, within their local community and to enjoy their education within maintained Bromley schools. Failure to provide this support can lead to costly alternative measures, often requiring children to be placed in full time care, with a current average cost of this type of placement being £208,000 per child. The provision of this service effectively offers cost avoidance in respect of increases in Out of Borough placements.

Short Breaks Provision 2010/2011 to 2011/2012

- 3.3 The majority of weekend and holiday short breaks provision is currently delivered by Riverside School on behalf of the London Borough of Bromley, via an internal Service Level Agreement. Riverside School is a Local Authority maintained special school, judged as 'Good' by Ofsted.
- 3.4 Bromley, in common with other Local Authorities, received a government grant for the delivery of Short Breaks for disabled children and young people for the period 2009/10 and 2010/2011 – the Aiming High for Disabled Children Grant. Following receipt of the grant (the majority of which was released for 2010/2011) and extensive consultation with parents of disabled children and young people, and the children and young people themselves, Bromley invited providers to submit tenders for the delivery of Short Breaks provision in Autumn/Winter 2010. Only two proposals were received, including a proposal from the Riverside School. In April 2010, Riverside was commissioned to deliver Short Breaks provision, funded at £248k per annum, having been evaluated as the most economically advantageous proposal, with the ability to deliver provision to the maximum amount of service users within the available budget. In March 2011, the CYP Portfolio Holder approved an extension the Service Level Agreement for a further twelve months.
- 3.5 Riverside School provides short breaks to disabled children and young people aged 5 to 18. This service caters for those with the most complex needs including: autism with challenging behaviour; complex and severe learning disabilities; complex and severe physical disabilities; and medical disabilities. Service users typically attend the Borough's special schools and maintained schools and other Special Educational Needs provision both in and out of the borough.
- 3.6 In addition to the Short Breaks provision provided by Riverside School, a range of additional Short Breaks provision is commissioned through local voluntary sector providers and from other sources. In 2011/2012, this included provision offered by CASPA, the Petts Wood Play Group and Chucklebox with a total of £71k of funding. Small grants were also available to local voluntary sector providers for one off projects and initiatives. Other Short Breaks provision is provided through direct payments to children and families; through accessing provision at the Hollybank; through the LBB Outreach Service and through the Childminding Network facilitated by Bromley Mencap.

- 3.7 Short Breaks provision was delivered to more than 400 children and young people in 2010/2011, increasing to 450 in 2011/2012. This is a 180% increase in children and young people and their families accessing Short Breaks provision compared to the baseline of 250 prior to the introduction of the Aiming High for Disabled Children strategy in 2009.

Riverside School – Current Service Delivery and Performance

- 3.8 The Short Breaks service provided at Riverside School consists of a group provision which typically provides for up to 60 attendees at each session. There are 70 contracted sessions (days) covering Saturdays and school holidays, with each session providing 6 hours of Short Break provision. 150 children and young people access the provision, aged from 5 to 18. Each child will receive 18 days of provision per annum on average while those with the most complex needs may receive up to a maximum of 70 days.
- 3.9 Of the children accessing the Riverside Short Breaks provision, 31% are assessed as having a low level of need; 50% are assessed as having medium level of need; and 19% are assessed as having high and complex needs with the Short Breaks provision contributing to an overall package of care which seeks to prevent the child or young person needing to be accommodated by the Local Authority.
- 3.10 The sessions are staffed at appropriate ratios to ensure that the needs of all users can be met. Staffing ratios are typically either 1:1 or 1:2. However, some users require 2:1, i.e. 2 adults to one child). The increase in complexity of need of many service users requires the high staffing ratio to service user.
- 3.11 The current unit cost is £59.14 per session per attendee, equating to an hourly rate of £9.86. This compares well with the average cost of individual support workers for disabled children and young people at up to £20 per hour. For children with complex needs requiring a staffing ratio of 2:1, individual support workers would cost £40 per hour (or £240 for an equivalent six hour session) compared with the £59.14 per session delivered by the Short Breaks Riverside provision. The costs of the Riverside provision have also been benchmarked against other local authorities, demonstrating that the cost of Riverside provision is significantly lower than the market average.
- 3.12 The current unit cost is approximately £60 per session per attendee, equating to an hourly rate of £10. This figure is derived by taking the actual cost divided by the numbers of users at each of the 70 sessions. This compares with the average cost of individual support workers being up to £20 per hour. In the case of children requiring 2:1 level of care this provision affords excellent value for money as these children would typically cost £40 per hour for agency outreach support, i.e. £240 over the same 6 hour period.
- 3.13 The recognised outcomes for the lower end users is that parents/ carers have a substantial break from their caring responsibilities whilst ensuring the service user has an enjoyable experience. The outcomes for the highest end users are that the provision serves as part of a complex care plan enabling disabled children and young people to remain within their family home, avoiding family breakdown the need to take a child into care.
- 3.14 Bromley's Disabled Young Advisers Group carried out an evaluation of the Riverside Short Breaks provision in July/August 2011 and rated the provision very highly, judging it to meet the needs of service users more than adequately. It was rated as 'highly valued' by parents and carers.

- 3.15 The Joint Disability Service has also invested capital funding (through external capital funding) for resources linked to the delivery of the provision. A new 'Eco Lodge' at Riverside School is providing additional accommodation for older children with ASD to access the provision, which reduces some need for cross borough travel to the Orpington site.

Commissioning Weekend & Holiday Short Breaks Provision for 2012/2013

- 3.16 The current internal Service Level Agreement with the Riverside School ends on 31 March 2012. **It is proposed that the Local Authority continues to commission Short Breaks provision from Riverside School via an internal Service Level Agreement.**
- 3.17 The length of the proposed Service Level Agreement is one year with an option to extend for a further year subject to ongoing availability of funding. A further Gateway review will be conducted in 2013/2014 to market test the provision.
- 3.18 Approval for the commissioning of in-house provision via an internal Service Level Agreement is delegated to the Director CYP, subject to pre-decision scrutiny from the CYP Portfolio Holder and CYP Policy & Development Scrutiny Committee.
- 3.19 The key rationale, following consultation with Corporate Procurement, for continuing to commission weekend and holiday Short Breaks provision via an in-house Service Level Agreement with Riverside Schools include:
- (i) The service was market tested in 2010 by going out to tender for the provision with no suitable providers coming forward that met the capacity and volume requirements other than Riverside. The other bidder for the provision at that time was Bromley Family Link who have now substantially reduced the capacity of its provision and it is unlikely that it could currently provide for the diverse range of need that this service requires.
 - (ii) As part of the market testing discussions have taken place with other special schools in the borough in relation to the provision of Short Breaks, but at this time no other school has expressed an interest in delivery.
 - (iii) There is no local alternative provider to Riverside School whose staff would have the knowledge and experience of providing for the diverse range of needs that this provision requires or who could provide a sufficiently well resourced venue within the borough that could provide the capacity and meet the diverse needs of the users currently accessing this provision. The provision maximises the use of school specialist resources for a number of Bromley's young, disabled residents.
 - (iv) The Riverside School Saturday and Holiday Play Scheme is supported by school staff, the school's senior management team and school governors to deliver the provision. A number of general Riverside School staff delivers the provision alongside dedicated staff. There are likely to be significant TUPE implications should the provision transfer to another provider.
 - (v) Service users, particularly those on the autistic spectrum, value consistency in their environment which can be maintained through ongoing delivery via Riverside School.
 - (vi) There will be additional grant funding and other contracted provision for Short Breaks in 2012/2013 that will allow other potential providers of Short Breaks, including the local voluntary sector and/or small/medium enterprises to delivery Short Breaks provision.
 - (vii) The Council is currently considering increasing the level of school provision within the Borough to maintain more 'in borough' school placements and this provision will compliment that policy.

4. POLICY IMPLICATIONS

- 4.1 Since 1 April 2011 the Local Authority has had a legal duty to provide Short Breaks to those assessed as being eligible for such provision, and the duty extends to the Local Authority providing an appropriate and relevant range and choice of Short Break services as deemed necessary by way of consultation with stakeholders, including service users.
- 4.2 This provision contributes to the current focus on disabled young people's transition to adult services (CYP Plan 2012/15) Building Better Futures for All - enhancing independence opportunities for service users. There is a programme under way to explore whether some of the more able young people who currently attend the provision may, in due course, be employed themselves in a caring capacity within the provision.
- 4.3 CYP (SEN & Disability Service) is currently auditing the number of disabled children and young people who are accessing Out of Borough services – particularly those attending residential schools, with a view to increasing in borough school provision which in turn is intended to reduce out of borough education expenditure. This programme will be most effective if parents/carers are satisfied that they will be offered a relevant level of Short Break should they relinquish a residential placement.
- 4.4 This provision is also Ofsted registered for the purpose of 'childcare' provision due to the age of the attendees and the duration of the sessions. This data is used in the assessment of the Council's duty to ensure Childcare Sufficiency specifically related to disabled children.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for 2012/13 is available through existing budget provision.
- 5.2 An extension to the Service Level Agreement could be activated for 2013/2014 should the Authority determine that there is a continuing need for the provision and that funding is available.

6. LEGAL IMPLICATIONS

- 6.1 The Local Authority has a legal duty to provide Short Breaks to those assessed as being eligible for such provision, and the duty extends to the Local Authority providing an appropriate and relevant range and choice of Short Break services as deemed necessary by way of consultation with stakeholders, including service users

7. PERSONNEL IMPLICATIONS

- 7.1 Staff delivering this provision are currently employed by Riverside School which is a local authority maintained special school. The staffing complement is mixed consisting of permanent and temporary employees and casual workers.
- 7.2 In the event that the contract to provide the service is extended permanent and temporary staff will continue to accrue employment rights including eligibility for a redundancy payment and potential early release of pension benefits in the event that the requirement for them to undertake this provision or funding to support the provision ceases.
- 7.3 All staff employed by the school including those employed to deliver the short breaks respite service are subject to pre engagement vetting. The school is also aware of and compliant with legislative requirements relating to part-time workers and equality of treatment.

- 7.4 In the event that the provision transfers to another provider at the end of the contract the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply to the employees currently engaged to provide the service. In this event the Governing Body and Local Authority would jointly commence formal consultation with staff, their representatives and the new provider to ensure that they are fully informed and consulted on the decision to transfer the undertaking and on the implications for their employment including any measures that the new provider might be considering in relation to the transfer.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	None