

Decision Maker: EXECUTIVE

For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on 10th March 2016

Date: 23rd March 2016

Decision Type: Non-Urgent Executive Non Key

Title: GATEWAY REVIEW OF HOLLYBANK

Contact Officer: Hilary Rogers, Joint Commissioner for Disabled Children,
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Chief Officer: Assistant Director: Commissioning & Partnerships (ECHS)

Ward: All Wards

1. Reason for report

- 1.1 This report presents a review of the local authority's overnight residential short break provision at Hollybank and is intended to determine the efficacy of the provision in meeting the local authorities short breaks duty.
 - 1.2 A service user review was undertaken in October 2015, the outcomes of which are incorporated in this report.
 - 1.3 The short break provision forms an integral element of Bromley's strategy for disabled children and young people and provides a preventative service aimed at ensuring that disabled children remain within their family home.
 - 1.4 The local authority contributes to the joint funding of this provision as a partner with Bromley Clinical Commissioning Group (Bromley CCG)
 - 1.5 The existing contract is due to expire on 31 March 2017.
 - 1.6 This report requests approval from the Executive to extend the existing contract for a six month period, after which time the contract will be jointly re-tendered with Bromley CCG.
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2. RECOMMENDATION(S)

- 2.1 Care Services PDS is asked to note and comment on the contents of this report prior to presentation to the Executive for approval.

2.2 The Executive is asked to :

- i) Agree to extend the contract for overnight residential short break provision for a period of six months up to 30 September 2017.
- ii) Agree to commencement of the joint procurement procedure for the provision in order for a newly commissioned service to be in place from 1 October 2017, which would continue to be led by BCCG as the lead commissioner.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: Current contribution to contract value £580,000 p.a.
 2. Ongoing costs: not applicable
 3. Budget head/performance centre: 814001/3250
 4. Total current budget for this head: £580,000
 5. Source of funding: To be constrained within existing budget, no additional funding is proposed
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Staff

1. Number of staff (current and additional): 3 f.t.e. LBB staff are employed at Hollybank
 2. If from existing staff resources, number of staff hours: n/a
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Legal

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

1. Estimated number of users/beneficiaries (current and projected): 60
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1. Business Need

- 3.1.1 The Breaks for Carers of Disabled Children Regulations 2011 imposes a duty on the local authority to (i) have regard to the needs of carers who would be unable to continue to provide care unless breaks from caring were given to them and (ii) have regard to the needs of carers who would be able to provide care for their disabled child more effectively if breaks from caring were given
- 3.1.2 In performing this duty a local authority must provide, in so far as reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively. This includes, as appropriate, overnight care in the homes of disabled children or elsewhere.
- 3.1.3 In recognition of this duty London Borough of Bromley (LBB) and Bromley Clinical Commissioning Group (Bromley CCG) have jointly commissioned an overnight residential provision, Hollybank, for disabled children and young people aged 5 to 17. The service is jointly funded by and through a Section 75 Partnership Arrangement (NHS Act 2006). BCCG currently provides the commissioning lead.
- 3.1.4 The current contract value is £1,403,863 (2015/16), which is split Bromley CCG £823,703 (59%), LBB £580,160 (41%).
- 3.1.5 The service is provided by Bromley Healthcare Community Interest Company (BHC)
- 3.1.6 The service purpose is to offer regular planned overnight short breaks with the highest standard of care for children and young people with multiple disabilities, including those with behaviours that challenge associated with a disability, and complex health care needs, working in partnership with their families and other carers, helping to maintain the disabled child or young person within their family whilst the child enjoys the short break experience.
- 3.1.7 Bromley CCG has currently commissioned 9 bed spaces per night, including one emergency bed.
- 3.1.8 Hollybank is open 7 days per week, providing a 24 hour service (with the exception of training days, Christmas and New Year)
- 3.1.9 Service users must be either resident in the London Borough of Bromley or must be registered with a Bromley based GP.
- 3.1.10 The current OFSTED rating is 'good' in every category (November 2015). OFSTED inspectors have previously commented that it is not typical to have a jointly commissioned short break service and this is advantageous in being able to provide for a wider range of social care and health needs.
- 3.1.11 An emergency bed has the effect of reducing bed spaces which can be allocated on a planned basis. The bed may be allocated to children who are existing service users and any others, providing they meet the eligibility criteria for the Disabled Children's Team.
- 3.1.12 When planning and allocating provision, best efforts are made to ensure that service users are offered stays with an appropriate peer group. Care plans are highly person centred and give staff clear and informative information on how best to care for the children and young people in a holistic way.

- 3.1.13 Staffing includes registered nurses, registered social workers, senior support workers and care assistants. Any new staff are required to have behaviour management skills training.
3. 1.14As at November 2015, there were 59 children/young people registered with Hollybank for regular short breaks. Current OFSTED Registration conditions allow that the maximum number of nights that any one user may stay at Hollybank is 75 nights in any one year, which is typically allocated on the basis on a monthly basis.
Most children and young people are allocated between 2 or 3 nights per month.
- 3.1.15 The emergency bed is not currently used to maximum capacity, being occupied for an average of 6 nights per month over the past seven months.
- 3.1.16 Of the 59 current service users, 42 attend Riverside School and 7 attend Marjorie McClure School.
- 3.1.17 Some service users have exceptionally high needs, most typically in terms of managing their challenging behaviour or managing their complex medical regime and therefore require an exceptional staffing ratio in order to ensure their own safety and the safety of other children attending Hollybank and staff. These children are classed as 'high need' and the higher staffing ratio is typically met by allocating the equivalent of 2 beds spaces to these children/young people, ensuring that the staffing capacity is appropriate to meet need.
- 3.1.18 Recent years have shown a trend of an increasing percentage of children being referred who are reported to be presenting challenges in school and at home due to their behaviour or mental health difficulties. Typically, these children/young people present with a primary diagnosis of Autistic Spectrum Disorder (ASD). Currently 55% of all service users are regarded as 'high need'
- 3.1.19 33% of the service users have health needs which require either a nurse or individually trained health care workers to provide their care.
- 3.1.20 There are 7 young people currently accessing the service who will become 18 between January and December 2016.

3.2 Alternative Overnight Provision

3.2.1 Short break fostering

There is limited 'in house' or agency short break fostering provision for overnight breaks for disabled children and the market is not active.

3.2.2 Sitting Service

Bromley Mencap is commissioned to provide a 'sitting service' which is designed to allow parents/carers to have a break from caring whilst their child is cared for in the family home. This service was commissioned in response to a previous Hollybank review which indicated that a number of parents were electing to have the Hollybank service in order to have either a day or evening break but not necessarily with the need for a break to be overnight.

3.2.3 Personal Budgets

The Children & Families Act 2014 requires that personal budgets be available wherever possible in children's services order to facilitate 'choice and control' on the part of the parent/carer.

3.3 Links with other services – Integrated Children’s Community Nursing Team Long term health conditions

- 3.3.1 The term ‘life limiting conditions’ as applied to children & young people can be defined as those for which there is no reasonable hope of cure and from which child or young person is expected to die, although there may be longer periods where the child is well. Life threatening conditions are those for which curative treatment may be feasible but can fail. Children with life limiting, life threatening and long term health conditions often have complex disabilities. Due to increasing life expectancy and improving quality of life resulting from advances in treatment and support, children living with a life threatening condition or long term health condition may survive well in adulthood.
- 3.3.2 Children and young people with these conditions and their families and carers most usually undertake complex care routines at home and should be provided with short breaks which aim to enhance their quality of life and which are provided in ways which are appropriate to their age and developmental stage in settings with professionals who are skilled in working with them
- 3.3.3 There are a relatively small number of children & young people with long term health conditions and with life limiting conditions in Bromley but, to date, there has been no specific short break provision which can address their needs. Universal, targeted and specialist children’s care is provided by a range of providers, with a significant proportion delivered by the voluntary sector, most notably at Demelza Hospice Care in Eltham.
- 3.3.4 There is good rationale to extend the remit of the Hollybank provision and broaden the service to meet the short break needs of this group of children and young people.
- 3.3.5 In the medium to longer term the service might be considered as a ‘step down’ from hospital discharge, thus (1) freeing up bed space and cost saving within the specialist paediatric hospital and acute hospital sector, and (2) offering parents/carers a safe, local environment in which their children and young people could be supported to return to their home environment. This would entail a feasibility study, for example the service establishment would need to ensure that the individual and specialist health needs could be met, and access criteria established which would maintain the essence of a short break provision as opposed to an ‘end of life’ provision.
- 3.3.6 The Integrated Children’s Community Nursing Team (ICCNT) is also commissioned by Bromley CCG within the community contract. The service provides care and support in the child’s home, within a clinic base or at school. The service is from birth to 19 and the service users will typically have a condition that would not normally be treated by a GP practice nurse.
- 3.3.7 ICCNT caseloads:-
- General caseload 178 (not all children receive a service from ICCNT but they remain on the caseload as having complex medical needs)
 - Children at Riverside 237
 - Children at Marjorie McClure 114
- 3.3.8 One outcome of the Hollybank review has been to recognise the synergy between the current Hollybank service and that provided by the ICCNT. This includes the potential for staffing efficiencies and for improved co-ordinated working across the services as many of the same children access, or are at least known to, both services, (for instance children attending Riverside School who are supported by the Special School Nurses (see 3.1.23.7) and

numbers from Riverside School who access Hollybank (see 3.1.17)) which would in turn ensure more holistic service provision for this group of children and young people.

- 3.3.9 A 'task and finish' project team is to be established in February 2016 the purpose of which is to explore the potential for the integration of these two services. Strategic clarity on this issue will be required prior to the re-tendering of the provision.

3.4 Transition & joint working with 118 Widmore Road

- 3.4.1 Adult Social Care has recently commissioned an overnight short break provision at 118 Widmore Road (118). The provider is South Side Partnership (Certitude).
- 3.4.2 Work will commence in January 2016 to facilitate improved liaison for families whose young people are assessed as likely to be eligible for adult social care provision after their 18th birthday, thus easing the transition between the two services as they operate on very different models of service delivery.
- 3.4.3 The Adult Social Care contract with Certitude allows for a number of beds to be block commissioned (7), with an agreed funding rate and access criteria for increasing the number of bed spaces to a maximum of 12 as and when required. The rate agreed allows for the fact that LBB has covered much of the overhead expenditure within the block contract and thus the additional beds spaces are purchased at a sum much less than the unit cost of a place.

3.5 Review Conclusions

- 3.5.1 Hollybank is a good quality provision. The most current OFSTED inspection (November 2015) rated the provision as 'good'. It is highly valued by parents/carers and provides an important short break option in terms of supporting families to care for their disabled children and young people.
- 3.5.2 In order to maintain the provision with a context of value for money the number of block commissioned bed spaces might be reduced with some current service users offered personal budgets or enhanced day time provision. If the fostering service offer can be enhanced this will provide scope for reduced demand on Hollybank spaces.
- 3.5.3 A funding model based on the Certitude contract with Adult Social care should be considered which will mitigate against an increased demand for bed spaces over and above the block commissioned number.
- 3.5.4 There is a clear synergy between the Hollybank service and ICCNT service. If it is determined that integration of Hollybank with ICCNT offers BCCG better value for money in terms of overnight support for those with very complex health needs then analysis of how many potential additional beds spaces this may require should be undertaken.
- 3.5.5 There is no analysis of risk at this time as the feasibility of an integrated provision needs to be assessed.
- 3.5.6 The decision on the future tendering of this provision is tied into strategic discussions and decisions between LBB and BCCG on (i) the future of the community contract beyond March 2017 and (ii) the future potential for developing integration between LBB and BCCG across both children and adult services.

4. POLICY IMPLICATIONS

- 4.1 In accordance with Building a Better Bromley, this provision continues to support children and young people's health and well being
- 4.2 in accordance with CYP Portfolio Plan, this provision, together with the proposal to extend provision for those with long term health conditions, will continue to improve health outcomes for children with health needs

5. FINANCIAL IMPLICATIONS

- 5.1 Hollybank is joint funded by a Section 75 Partnership Arrangement with LBB contributing £580k p.a. and the CCG £824k p.a. for the provision of 9 beds for respite for disabled children
- 5.2 The current/proposed splits are detailed as follows:-

HOLLYBANK FUNDING

CONTRIBUTIONS

<u>SOURCE</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	
	<u>(12 BEDS)</u>	<u>(9 BEDS)</u>	<u>(9 BEDS)</u>	<u>APR - SEP</u>	<u>OCT-MAR</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>EST</u>
LBB	580	580	580	290	290
CCG	906	824	824	412	412
TOTAL	<u>1,486</u>	<u>1,404</u>	<u>1,404</u>	<u>702</u>	<u>702</u>

- 5.3 As can be seen in the table above, overall funding was reduced in 2015/16 when there was a reduction in the number of beds made available.
- 5.4 It is proposed to extend the contract for the first six months of 2017/18 financial year on the current basis. The expenditure for the second half of the 2017/18 financial year is an estimate only as there may be savings available once the provision is retendered.
- 5.5 Whilst the contract provides for eight beds plus one emergency bed, the take up of the emergency bed is not good. However the current occupancy of the eight standard beds has been 95% for the past six months.
- 5.6 Based on the calculation of cost/nights available, the budgeted unit per bed per night is £446 (based on nine available beds). The actual cost is £528 (based on 8 beds utilised 95% of the time).
- 5.7 Benchmarking across other London local authorities and statistical neighbours indicate that this unit cost figure is slightly higher than average.
- 5.8 Benchmarking across other London Local authorities indicate that the provision of 8 beds, plus an emergency bed is a higher number than most. 6 bed spaces per night would appear to be an average number, although it is difficult to align that number with the number of children and young people for whom the various local authorities assess as being in need of overnight short breaks.
- 5.9 Overhead costs for the service are high; the property landlord is NHS Property Services who require rent to be paid by BCCG irrespective of whether or not the property is occupied, and

maintenance and repair costs are high due to the nature of the needs of some of the children and young people

- 5.10 Part of the property is currently vacant due to issues arising with planning permission consent for the property to be used for alternative, i.e. office, use
- 5.11 The service specification provided for use of an emergency bed which is not being utilised. Consideration needs to be given when the service is retendered whether this continues or if other arrangements can be put into place

6. LEGAL IMPLICATIONS

- 6.1 This report seeks the approval of the Executive to (a) extend the existing contract for 6 months at a cost of £290,000 and (b) to commence a new procurement for the provision of overnight short breaks for disabled children
- 6.2 The Children Act 1989 (as amended) requires local authorities to provide services designed to assist individuals who provide care for disabled children to continue to do so, or to do so more effectively, by giving them breaks from caring. The Children & Families Act 2014 requires local authorities and their health partners (meaning inter alia each CCG with responsibility for commissioning health services in the local authority area, and NHS England) to establish joint commissioning arrangements.
- 6.3 Bromley CCG is the lead commissioner for this service. The Public Contracts Regulations 2015 do not apply to NHS contracts at the present time.

7. PROCUREMENT IMPLICATIONS

- 7.1 BCCG is the holder of the contract for this service. The service is part of the community contract that BCCG has commissioned with BHC. This contract has been extended by BCCG until 1 October 2017. It is proposed for LBB to continue with the joint funding of this provision, including, and up to, the date of the extension within the community contract.
- 7.2 Having reviewed alternative procurement options, permission is sought for LBB to agree to this extension and re-tender the provision in due course.
- 7.3 This presents an opportunity for BCCG and LBB to re-tender the provision with a joint specification led by the Joint Commissioner for Disabled Children's Services, with service user representation as appropriate.
- 7.4 The tender would be undertaken in accordance with BCCG's Financial Regulations and Contract Procedure Rules and procurement policies.
- 7.5 EU legislation relating to NHS tendering differs from that applicable to local authority tendering, with a wider remit for the NHS to proceed outside of EU legislation.

8. CUSTOMER PROFILE

- 8.1 All children and young people receiving a service from Hollybank must currently meet the access threshold of having a profound and severe disability

9. STAKEHOLDER CONSULTATION

9.1 Parent/Carer Consultation

- 9.1.1 A Hollybank service user consultation (parents and carers) was undertaken during September/October 2015. The consultation was answered by 33 respondents. Most respondents children had been attending Hollybank for over 2 years, 12 had been attending for 5 years or more.
- 9.1.2 10 parents/ carers identified their children as having medical needs which require a nurse to be present during their stay
- 9.1.3 17 need more than one adult to be present at school and/or during short breaks due to their behaviour.
- 9.1.4 6 have both medical needs requiring a nurse at Hollybank and also need more than one adult present because of their challenging behaviour.
- 9.1.5 14 said they had not thought that short break fostering would be appropriate and 2 families indicated that a suitable short break fostering placement could not be found.
- 9.1.6 25 of the families are satisfied with the current allocation system as it meets their child's and their own needs.
- 9.1.7 Personal budgets – 3 families stated that they would consider making their own arrangements for overnight short breaks if they were to receive a personal budget. 6 were unsure and 24 stated that they would not consider this as an option.
- 9.1.8 The overall response was that families are generally satisfied with the service and with the administration of the service.

9.1.9 **Conclusion**

The survey gives scope to consider the following:-

- Social workers to ensure that all appropriate options are explored with parents/carers
- Development of short break fostering provision (either in house or through Independent Fostering Agencies (IFAs))
- Personal budgets to provide an alternative offer/choice to those parents who might wish to make their own arrangements

9.2 **Children and young people consultation**

- 9.2.1 A specific consultation with the children and young people who attend Hollybank has not been undertaken. The reason for this is that Hollybank carry out regular surveys with the children and young people in order to determine appropriate service development, and include such questions as whether, or not, the child/young person is happy to be attending the provision. The concept of an alternative type of short break is difficult to be described meaningfully without a good sense of what that alternative might entail, this is specialist work which cannot be achieved by on line or paper surveys.
- 9.2.2 It is intended to explore this need for input from the children and young people into this review with Advocacy for All as part of their Young Advisor Project work after March 2016.
- 9.2.3 The Ofsted summary findings (November 2015) noted:-
- The home provides young people with a warm, welcoming environment; young people are happy and relaxed during their stay
 - Young people make good progress in all areas of their development, with staff helping them to develop independence skills appropriate to their understanding

- Young people have innovative and creative care plans that reflect their voice and their preferences on how they are cared for

9.3 Hollybank staff

9.3.1 An online survey was sent to all Hollybank staff in November. There are currently 31 staff at Hollybank. All respondents have been working at Hollybank for more than 5 years

9.3.2 All respondents indicated that they would be willing to care for a broader range of needs including providing for younger children (under 5), providing for children stepping down from hospital placements and providing palliative care. The staff compliment is made up of nurses and a highly skilled team of support workers who would be able to provide care for children stepping down from hospital.

9.3.3 The planning of the appropriate staffing resource is thorough but there are sometimes difficulties in provide adequate cover when staff go off sick at short notice and there is limited bank available

9.3.4 There is a need to provide further training to support children and young people with mental health issues.

9.3.5 The views expressed about whether alternatives provision might sometimes be more appropriate identified that :-

- some children might benefit from being placed in overnight provision within their boarding provision, thus reducing the number of different staff involved in their care,
- some might benefit from a better mixture of day time and occasional overnight short breaks,
- some may be difficult to place in alternative overnight provision due to the complexity of need

9.3.6 The premises are regarded as being suitable to provide a safe and nurturing environment. The office space in the upstairs of the building is not used efficiently. A room for children to be safe when they are adopting dangerous behaviour e.g. head banging, punching walls & floors would assist in managing those with behaviour that challenges.

9.3.7 Conclusion

The survey gives scope to consider the following:-

- Integration of the Hollybank service with the integrated nursing team which would provide a safe and caring environment for all children & young people, including those with long term health conditions
- Scope to consider alternative residential placements, e.g. boarding schools, which might better meet the need to minimise the number of carers involved in children's lives
- Enhance training to ensure that those with mental health conditions continue to receive a safe level of care in an appropriate environment
- Better communication with all agencies involved with the same child/young person to ensure holistic provision .

9.4 SOCIAL CARE (CHILDREN'S DISABILITY TEAM) STAFF

9.4.1 An online survey was sent to all members of the Disabled Children Team in LBB Social Care in November.

- 9.4.2 Staff commented that there are a few children currently accessing Hollybank who are quite able and might achieve better outcomes with a community based day time short break provision. There are also those for whom a home based environment would be better.
- 9.4.3 The inconsistency of carers for those in either weekly or termly boarding school placements needs to be considered, with exploration of their short breaks being taken within the boarding school environment where appropriate.
- 9.4.4 The allocations work on a monthly 'allowance'. The caring needs of families do not always align with such a uniform approach, the needs may fluctuate and there needs to be greater flexibility to provide the short break as and when it is needed, i.e. fitting the service around the child/young person, as opposed to the child/young person fitting the service delivery model.
- 9.4.5 The service could improve their offer of working towards greater independence, including more social activities within the community.
- 9.4.6 The service could offer more by way of support for those children and young people who are out of school, particularly during term times

10. SERVICE PROFILE/DATA ANALYSIS

- 10.1 For future re-tendering, a detailed service specification will specify the requirements to the provider, including the outcomes they are expected to support. This will be based upon OFSTED requirements, best practice and service users involvement.

11. MARKET CONSIDERATIONS

- 11.1 The tender will be advertised by BCCG to ensure that it will attract bids from experienced specialist providers. Notification will be undertaken in consideration of all procurement legislation.

12. OUTLINE CONTRACTING PROPOSALS AND PROCURMENT STRATEGY

- 12.1 The tender would be undertaken in accordance with BCCG's Financial Regulations and Contract Procedure Rules and procurement policies.

13. SUSTAINABILITY/IMPACT ASSESSMENT

- 13.1 This proposal has been judged to have no or a very small impact on local people and communities
- 13.2 In the event that planning permission is sought for the building in which the provision takes place to extend activity into office space, there may be a challenge from local residents in terms of an increased workforce using residential parking.

14. PERSONNEL IMPLICATIONS

- 14.1 There are 3 LBB staff currently employed within the Hollybank provision. In the event of a re-tendering exercise identifying an alternative provider these staff will have TUPE rights.

Non-Applicable sections	N/A
Background Documents: (Access via Contact Officer)	N/A