

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by the Children Education, & Families PDS
Committee on 15 June 2022

Decision Type: Non-Urgent Executive Key

Title: PROVISION OF HOLIDAY AND SATURDAY GROUP BASED
SHORT BREAKS – PERMISSION TO TENDER FOR NEW
CONTRACT – GATEWAY 1

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Wards: All

1. REASON FOR REPORT

- 1.1 The current contract for provision of Holiday and Saturday Short Breaks for Disabled Children is due to end on **31 March 2023** with all existing contractual options to extend further exhausted. The estimated annual value of the current contract is **£196,057 p.a.**, with a whole life value, inclusive of the extension options used, of **£968,753**.
- 1.2 This report follows the Gateway 0 report which set out the service, background, history and potential options for recommissioning the service. This report was approved at the Council Executive Meeting on **30 March 2022**. It detailed the commissioning actions to be taken to determine the procurement route to be taken to tender for the new service. This report provides an update on these and requests approval to tender according to the plan outlined within it.
- 1.3 This Part 1 report should be read alongside the accompanying Part 2 report.

2. RECOMMENDATION

- 2.1 Executive is recommended to approve proceeding to tender for a new contract for a Weekend and Holiday Short Breaks Service for Children with Disabilities as outlined in this report. The proposed contract is for three years with the option to extend for two further periods of two years each (3 + 2 + 2) with a planned contract commencement date of 1 April 2023. The estimated annual value, based on current service delivery, is **£196,507** (estimated whole life value of **£1,372,399**).

Impact on Vulnerable Adults and Children

1. Summary of Impact: As well as providing meaningful, fulfilling activities for children and young people with Special Educational Needs and Disabilities (SEND) and respite for parents and carers, Short Breaks play a vital role in family cohesion and support. Short Breaks are important as a preventative service, without which an increased number of children and young people with SEND are more likely to be subject to care orders when families are unable to continue to fulfil their caring responsibilities due to the physical, mental and emotional strain of the role.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Making Bromley Even Better Priority: 1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home. 5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: Estimated Cost: **£196,057 per annum**
 2. Ongoing costs: Recurring Cost £196,057 per annum (3+2+2 contract)
 3. Budget head/performance centre: Group Based Short Breaks/Safeguarding and Care Planning West
 4. Total current annual budget for this head: **£197k** (for 2021-23)
 5. Source of funding: Revenue
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Personnel

1. Number of staff (current and additional): N/A
 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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Procurement

1. Summary of Procurement Implications: Formal tender for contracted service for up to seven years
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 160+ CYP
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The contract for provision of Holiday and Saturday Short Breaks for Disabled Children was originally awarded to Riverside School in May 2010 following competitive tender. The purpose of this service is to provide meaningful and fulfilling activities for children and young people with a range of disabilities, while offering valuable respite for parents and carers. Studies show that Short Breaks can provide a vital preventative service for families which can support family cohesion and guard against breakdown. Further contracts were awarded in 2012, 2015 and 2018 via contract extension or exemption to competitive tendering due to the specialist nature of the service, with a cumulative value to date of over £1m.
- 3.2 The current service provides a wide range of activities tailored for individual children's needs including several different sports, arts and crafts and day trips.
- 3.3 The proposal to recommission this service will help to fulfil one of the five key priorities of [Making Bromley Even Better 2021-31](#); 'For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.' In seeking best value as well as the highest quality of provision this proposal will also support another key priority; 'To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.'
- 3.4 It should also be noted that the service made enormous efforts to provide much needed Short Breaks for families during the pandemic, facing the challenge of complying with regulations while still enabling children to engage in fun, fulfilling activities and providing vital respite for their families. The service used around 20 'bubbles' of small groups of staff and children spread out through the school in order to facilitate this.

4. SUMMARY OF THE BUSINESS CASE

- 4.1 There are approximately 400 Children and Young people with Disabilities in Bromley whose needs are sufficiently high to reach the social care threshold and are therefore eligible for a service from the Children with Disabilities Team. There are an estimated 6,000 children and young people with Special Educational Needs and Disabilities (SEND) in Bromley and over 3,000 children and young people with an Education, Health and Care Plan (EHCP).
- 4.2 The Saturday and Holiday Clubs to be recommissioned have been run by Riverside School since June 2010. Demand for places continues to exceed the number of places available. Most families benefit from 2 or 3 Saturdays each half of school term during the year and 1 or 2 days per week of operation during the holidays. Additional days are accommodated where possible for families in the greatest need, especially where such respite could help to support the family and avoid crisis which could lead to young people requiring out of Borough or residential placements. The scheme is wholly funded by the contract with no direct charge to service users. The service is only able to run for three weeks during the summer.
- 4.3 The current service is very successfully meeting needs, but it is limited in the amount of days on which it can run and by the physical limits of the school site. One of the elements which maintains the high quality of the service is the presence of school staff who are prepared to work during school holidays and weekends, but like anyone else, they require time off in order to avoid burn-out. It has also been challenging to ensure sufficient recruitment of suitably qualified staff, even with additional capacity drawn from outside of the school staff.
- 4.4 In order to attempt to address these issues, the following approach is proposed regarding this procurement: potential providers will be strongly encouraged to consider collaborative bids if they do not have both staffing and a venue, so that submissions from providers with either a venue or staffing and management resources can combine their assets to offer the council a complete package to deliver the required service, as well as those with both staffing and a venue.
- 4.5 It should then be possible for commissioners and service leads to determine the approximate amount and level of resources available to support Short Breaks in the borough. It is hoped that this approach will stimulate the market and reach potential school, college and community service providers in the Bromley area.

- 4.6 This procurement approach may also give commissioners the potential to consider the most economically advantageous elements of a Short Breaks service from an increased number of potential providers.
- 4.7 There are, however, risks inherent in this approach. The high degree of parental satisfaction with the current service and the knowledge that the service is to be tendered out and potentially result in a new provider and service model may cause concern among families that trust and rely on the current service to meet the needs of their children. Additionally, the service has built up a great deal of local systemic knowledge and the service is very well embedded within the overall CDS/SEND offer in Bromley. New providers, however, would need to take time to build up to the current high level of service quality and connections with other parts of the SEND system in Bromley.
- 4.8 In order to mitigate this risk, a commitment to replicate the current service level and quality as far as possible via the new service specification will be taken, in order to attempt to ensure that there is no drop in service user satisfaction with the recommissioned service.
- 4.9 In terms of new objectives for the recommissioned service, current discussions with service leads in both Adults and Children's services, have highlighted the need for an increased focus on transition and preparing for adulthood for older users of the service. This may increase the throughput for the service, especially if other services for 16 – 25 year old children and young people can be developed, which could in turn enable a greater number of younger children with high needs to access the service.

5 SERVICE PROFILE/DATA ANALYSIS

- 5.1. In the financial year 2021-22, the current service provided by Riverside School operated for 22 Saturdays per year and for 25 days during summer, Easter, Christmas and February half-term school holidays. Children and young people who accessed the scheme were allocated between 3 days and 41 days during the year. As a general principle, younger children who are just starting on the scheme are allocated fewer days to start with, as their allocation is expected to grow over time as they get older. The maximum allocation in the past year of the service has been 41 days for a child with very high needs. The current service can support children from the age of 8 to 18 years old. Eligibility for the service is only via referral from the Children's Disability Service and is only for children whose needs reach the social care threshold, given the specialist nature of the service.
- 5.2 During the 2021-22 financial year, the average figure for a days attendance at the service was **£95**. When considering the high level of complexity of both medical and behavioural needs that the service is able to accommodate, and the high level of quality achieved by the service, this is a very competitive daily rate. See Table 1 below for more details.

Dates	Individual Days	Annual Cost	Unit Cost	Total Days Delivered	Total Service Users	Ave Days Per User	Average Daily Users
Apr 21- Mar 22	2061	£196,057	£95.13	47	135	15	44

Table 1 Holiday and Saturday Short Breaks Service Delivery: Apr 2021-Mar 2022

- 5.3 The service output over the course of the 2021-22 year equates to a Short Break for 36 children each day on 22 Saturdays and for 51 children each day for 25 days of the holidays.
- 5.4 The accompanying Part 2 report provides further background.

6 OPTIONS APPRAISAL

- 6.1 Option 1: Test the market with a full open tender. In light of the current service being delivered by the incumbent provider for over a decade, and the service limitations noted in the previous report, it is proposed that, as part of the overall service drive to develop and improve the current Short Breaks offer, the contract for this service should be subject to full market competition following a period of co-production and market engagement. **This is the recommended option.**
- 6.2 Option 2: Bring the service in house. While this option might provide a greater degree of council involvement and influence on this service, the recruitment, overhead and management costs of internalising the service are likely to be prohibitive and may also expose the council to TUPE liabilities for staff in the existing service. For these reasons this option is not recommended.

6.3 Option 3: Do Nothing. The current contract terminates on 31st March 2023. Failure to renew this contract would leave a considerable number of families without the support they need and is likely to increase the numbers of families in crisis. It would also pose a risk to the reputation of the Bromley Autism Partnership and the council generally in relation to ensuring a robust short breaks offer in accordance with the Breaks for Carers of Disabled Children Regulations 2011 and other legislation (section 8 below). Another likely outcome would be an increase in the use of personal assistants to support families at a higher cost and an increase in social isolation for vulnerable children and young people. For these reasons this option is not recommended.

6.4 Option 4: Direct contract award to the current provider. Although the current provider has been delivering the service to a high standard, with a lot of parental satisfaction, as detailed in 3.1 above, the service has not been exposed to market competition for 12 years. This could lead to allegations of a lack of transparency and a lack of fairness to the wider marketplace. Additionally, the results of the Prior Information Notice (PIN) detailed in 7.1 below, suggest that there is a market of potential other providers which should not be ignored. For these reasons this option is not recommended.

6.5 PREFERRED OPTION

6.5.1 The preferred option is 6.1 as detailed above. This option is expected to ensure fairness, transparency and competition through a commitment to engage with the market for Short Breaks provision and consider the availability of innovative delivery approaches.

7 MARKET CONSIDERATIONS

7.1 The results of the Prior Information Notice (PIN) are summarised below. The communication aimed at potential providers on Contract Finder included a Soft Market Testing Questionnaire. The results of the exercise are as follows: Seventeen local, regional and national providers viewed the opportunity on Contract Finder. Six local, regional and national providers responded to the SMTQ indicating that they would be interested in tendering for the service contract.

7.2 The results of this exercise suggest that there may be sufficient interest in a tender for this service to justify proceeding with the recommended procurement route.

7.3 To give context to the unit cost for the current service of **£95.** per six hour day, similar local high needs services charge considerably more for an equivalent session.

7.4 **Service Funding:** Since the previous contract award in 2018, funding for the service has grown by **2%**. The accompanying Part 2 report gives further details.

7.5 Appendix 1 gives an example of the type of outcomes on which commissioned Short Breaks providers will be monitored.

8. STAKEHOLDER ENGAGEMENT

8.1 The current service regularly receives very positive feedback from parents and children. The service is assiduous in communicating with families, referrers and other relevant practitioners, giving daily written updates to parents for all days when their children have attended the service. Being embedded in the school as the service is, it is able to make a valuable contribution to the overall system in supporting children to stay safe and reach development goals.

8.2 A program of co-production is to be undertaken during the spring and summer in order to ensure that service users views have been taken into account when commissioning the service. Bromley Children and Families Forum, Bromley Parents Voice and Your Voice in Health and Social Care are expected to be involved in supporting families to have their voices heard about this service.

9. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

9.1 **Estimated Contract Value – £1,372,399**

9.2 **Other Associated Costs – N/A**

9.3 **Proposed Contract Period** – Seven Years (If extension options are utilised).

9.4 **Proposed Project Timescale:** A summary timescale is provided below.

Activity	By Whom	By When
Market Engagement, Co-Production. Tender Documents Produced	LBB/CCG Procurement/ Commissioners/ Service Leads	April – June 2022
GW1 Proceeding to Procurement Executive Sign-Off	Integrated Strategic Commissioner, Service Leads, Portfolio Holder, Leader of the Council	29 June 2022
Tender Go Live	LBB/CCG Commissioners/ Procurement	July 2022
Tender Closing Date	Potential Providers/ LBB/CCG Commissioners/ Procurement/ Service Leads	August 2022
GW2 Contract Award Approval	Integrated Strategic Commissioner, Service Leads, Portfolio Holder, Chief Officer	October 2022
Contract Award Date	LBB/CCG Commissioners/ Procurement/ Service Leads	November 2022
Contract Mobilisation Completion	LBB/CCG Commissioners/Provider(s)	March 2023
Contract Commencement Date	LBB/CCG Commissioners/ Procurement/ Successful Provider(s)	1 April 2023

9.5 The procurement process to be employed will be an open tender in order to provide maximum opportunity to engage with the market.

9.6 The specification will include details reflecting the current service outputs and outcomes. In particular the following are among the key factors which will be emphasised:

9.6.1 An appropriate venue, for example the current service utilises a large purpose built school and has access to over twenty different rooms including a swimming pool, hydro pool and extensive outdoor space.

9.6.2 Staff Capacity, the current service includes an operational service manager, 12 team leaders, a qualified nurse with backup provision and an overall staff pool of 88 workers.

9.6.3 Holistic service, the current provider makes considerable efforts to get to know each family that uses the service and pays particular attention to any safeguarding needs and sharing information regarding children's behaviours and needs observed during the club with the wider team and family around the child.

9.7 Tender evaluation criteria is expected to be 60/40 on price and quality. Tender questions will concern probing potential providers on their experience and expertise in meeting the needs of a diverse range of children with disabilities, including how they will continue to operate a non-exclusion policy so that all needs can be met by the service.

10. SUSTAINABILITY AND IMPACT ASSESSMENTS

10.1 As well as providing meaningful, fulfilling activities for children and young people with SEND and respite for parents and carers, Short Breaks have been shown to play a vital role in family cohesion and support. Many parents have reported that Short Breaks, particularly overnight respite, are vital in allowing them time away from their caring responsibilities. In this sense, Short Breaks are incredibly important as a preventative service, without which an increased number of children and young people with SEND are more likely to be subject to care orders when families are unable to continue to fulfil their caring responsibilities due to the physical, mental and emotional strain of the role.

10.2 An Equalities Impact Assessment has been completed and the outcome is Equality Neutral. However, it is worth noting that the previous service contributed to promoting to equality of community access and inclusion for the young people who used the service and it is expected that this will continue to be an outcome in the new service.

- 10.3 This service will potentially bring social value and stimulate the local economy by offering work experience opportunities, apprenticeships and liaising with schools and colleagues to promote caring as a career. The provider will also support the LBB carbon neutrality priority.

11. POLICY CONSIDERATIONS

11.1 National Policies

- 11.1.1 Breaks for Carers of Disabled Children Regulations 2011
- 11.1.2 Children and Families Act 2014
- 11.1.3 Carers Act 2014
- 11.1.4 SEND Code of Practice 2015

11.2 Local Policies

- 11.2.1 Making Bromley Even Better (corporate strategy) 2021 - 31
- 11.2.2 Joint SEND Strategic Vision and Priorities 2019-22
- 11.2.3 LBB ECHS Portfolio Plan 2018-22
- 11.2.4 LBB Children and Young Peoples Plan 2018-21

12. IT AND GDPR CONSIDERATIONS

- 12.1 All documentation and processes were reviewed and amended (where required) when GDPR regulations were introduced. The successful bidder will continue to ensure compliance with regulations.

13. PROCUREMENT RULES

- 13.1 This report seeks authorisation to proceed to procurement for a Short Breaks Services contract in July 2022, for a contract start date of 1st April 2023. The proposed initial contract duration is three years with options to extend by a further four years on a 2 + 2 year basis (seven years in total if all extensions are utilised). The annual estimated cost of the contract is £196k with a total value, if it runs the full number of years proposed including extensions, of £1.4m.
- 13.2 The procurement process to be used is outlined in paragraphs 9.5 – 9.7. However, for a contract of this value which is above the threshold of a Light Touch regime as this service is, there will be flexibility on whichever tender process is used.
- 13.3 Health, social and related services are covered by Schedule 3 of the Public Contracts Regulations 2015, but is above the threshold where it is deemed Light Touch Regulation services. This still offers flexibility but certain requirements must be complied with. Relevant advertisements will be placed in both Find a Tender Service (FiTS) and Contracts Finder as it is a requirement to advertise above threshold tenders in FiTs and any tender above £25k in Contracts Finder. The procurement must also comply with the 2015 Public Contracts Regulations principles of transparency and equal treatment of all participation tenderers.
- 13.4 The Council's specific requirements for authorising proceeding to procurement are covered in 1.3 of the Contract Procedure Rules with the need to obtain the approval of Executive following the formal Agreement of the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a procurement of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 13.5 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), if this proceeds to full tender, this procurement must be carried out using the Council's e-procurement system.
- 13.6 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

14. FINANCIAL CONSIDERATIONS

- 14.1 The current contract value is £196k per annum. The proposal is to relet the contract for up to seven years (3+2+2) with a proposed cumulative value of £1,372k.
- 14.2 There is sufficient budget within the service to contain a contract of this size.
- 14.3 Any inflationary increases would need to be agreed as per the contract documentation and kept within the funding available. The medium term financial strategy allows for some inflationary increases in contracts in future years within the budget. Any increases above and beyond these levels would be considered as growth and dealt with separately.

15. PERSONNEL CONSIDERATIONS

- 15.1 N/A

16. LEGAL CONSIDERATIONS

- 16.1 The Council has a general duty to provide services for children in need under section 17(1) of the Children Act 1989. The duty is to safeguard and promote the welfare of children within their area who are in need; and so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs. Further to this the Breaks for Carers of Disabled Children Regulations 2011, imposed more specific duties on the Council (together with statutory guidance) in relation to short breaks for carers
- 16.2 A contract for the purchase of short break carers’ services is a public contract under the light touch category within the meaning of the Public Contracts Regulations 2015. As the value of the proposed procurement is above the relevant threshold a full light touch procurement is required. Officers may specifically design a light touch procurement to meet the Councils specific needs whilst ensuring compliance with the principles of procurement concerning equality transparency , non-discrimination and proportionate treatment of economic operators.
- 16.3 The Public Services (Social Value) Act 2012 requires all contracting authorities to consider how they can secure wider social, economic, and environmental benefits of their relevant area and how, in conducting the process of procurement, it might act with a view to securing that improvement. Section 8 of this report provides information in connection with Stakeholder Engagement.
- 16.4 Under the Councils Contract Procedure Rules (CPR’s) the decision to agree to the commissioning strategy and proceeding to procurement is by way of Executive authorisation under CPR 5.4 with the agreement of the Budget Holder ,Chief Officer ,Assistant Director of Legal Services, Assistant Director of Governance and Contracts, Director of Finance and Portfolio Holder through this Gateway Report. The detail of the proposed procurement strategy is set out elsewhere in this report.
- 16.5 It would appear from the content of this report that the procurement principles will be met and the procurement strategy procedure under the CPR’s. complied with.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	

Draft Short Breaks for Children and Young People Outcomes Framework

Making Bromley Even Better:

Priority 1 - *For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home*

When delivering short breaks for CYP Providers should demonstrate how they will;

- Achieve positive outcomes for children, young people, and their families.
- Evidence these outcomes using appropriate measurement tools.
- Review their organisation's performance against the outcomes selected.
- Provide monitoring feedback to the council on their performance.

Outcome Area One: Overarching Outcomes

Outcomes for children and young people with disabilities	Outcomes for parents and carers
Have fun	Feel less pressured
Spend time with friends and make new friends	Be able to get on with home and family routines
Take part in interesting activities and new experiences	Have some 'me time'
Develop positive life and social skills	Spend time with other children or together as a family
Be more independent and or confident	Be confident that their child is safe and having fun with skilled carers who understand their needs
Prepared for life as an adult	
Be safe	

Outcome Area Two: Physical and Emotional Well-Being

Sub-Outcomes	Indicators and Evidence
Children and young people have opportunities to be physically active	Children and young people access physical activities relevant to their needs.
Healthy choices are promoted and are understood by service users	Service users are able to learn about health choices relevant to their age and needs. Service users feel able to make healthy choices in relation to safety, diet, sexual health, substance misuse, etc.
Children and their families learn and develop personal care skills	Service users increase their skills in personal care. Families feel better able to meet the needs of children and young people.
Children and young people feel safe from harm, abuse and bullying	Children and young people feel safe when accessing the service. Children and young people know how to respond to abuse or bullying. Children and young people are able to access services and activities safely.
Families are able to have respite from caring for disabled children and young people	Families feel more resilient. There is an improvement in the home situation, in terms of the well-being of family members.

Outcome Area Three: Independence, Participation and Economic Well-Being

Sub-Outcomes	Indicators and Evidence
Disabled children and young people are well prepared for their adult life and meaningful employment in the future	Children and young people are able to make a positive contribution to the setting. Children and young people are encouraged to take responsibility for aspects of the service. Volunteering and employment related activities are encouraged.
Self-confidence and social skills support disabled young people and their families to live independently	Strong friendship groups develop. Young people develop skills to support their independence. Children and young people feel able to make informed choices.
Children and young people have confidence to participate in a wide range of activities	Children and young people feel able to fully participate in the service offer. Appropriate specialist equipment is made available to facilitate inclusion.
Service users enjoy accessing services and new experiences	Children and young people enjoy services. Service users gain new experiences that support their learning, well-being, and personal development.

Outcome Area Four: Workforce and settings support good outcomes for children and young people

Sub-Outcomes	Indicators and Evidence
Workforce demonstrates understanding of needs of the children and young people who will access their services	Children and young people health and care needs are understood and met Individual education, health and care plans are ascertained and followed Staff and volunteers are appropriately trained to support the children and young people who will access their services and use equipment
Workforce keeps children, young people safe	Staff and volunteers understand and adhere to safeguarding policies, procedures and standards Staff and volunteers demonstrate an awareness of what to do if they have safeguarding concerns Staff and volunteers demonstrate an understanding of the individual disabilities of the children and young people they care for Children and young people are cared for with dignity and respect Staff and volunteers support children and young people to be safe and play safe