

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

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UPDATE ON RE-COMMISSIONING OF SHORT BREAKS PROVISION FOR CHILDREN WITH DISABILITIES AND THE LOCAL OFFER

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Summary

This report provides an overview of the work undertaken in order to move forward on the re-commissioning of short breaks for children with a disability and their parents and carers.

The report informs members of the progress to date, the positive work being undertaken in order to fully engage with current and potential providers and more importantly the work relating to engaging with parents/carers and children and young people.

The report sets out a high level timetable for completion of the work.

Reports have previously been presented to Children and Young People Overview and Scrutiny Committee in September 2014 and then subsequently to Cabinet, again, in September 2014 to seek approval for the re-commissioning of short breaks

1. Budget and Policy Framework

1.1 Medway, like all Councils is under a legal obligation to provide or commission short breaks for children with a disability and their parents/carers under a number of pieces of legislation and regulatory guidance, principally:

- *The Breaks for Carers of Disabled Children Regulations 2011* – requires Local Authorities to provide breaks from caring to assist parents and others who provide care for children with a short break from their caring responsibilities
- *The Children and Families Act 2014* – seeks to ensure that Local Authorities place children, young people and families at the centre of decision making in order to enable them to participate in a fully informed way in order to achieve best outcomes. It requires Local Authorities to offer families the choice of having a personalised budget to better enable them to have more control over the services they use to meet their needs and to publish a full range of service provision, known as the Local Offer.

1.2 Short Breaks are funded by both Medway Council and Medway CCG. The revenue funding is as follows:

Total Revenue budget:	£1,754,949.00
Medway Council contribution:	£1,443,949.00
Medway CCG contribution:	£311,000.00

2. Background

2.1 A review of short breaks provision for children with disabilities was carried out in 2014; the results, conclusions and recommendations of the review were presented to, and accepted by, Children and Young People's Overview and Scrutiny Committee and Cabinet in September 2014. Procurement Board in December 2014 gave approval for a re-commissioning of short breaks provision. Delegated responsibility was given to the Director of Children and Adult Services for implementation of the re-provision.

2.2 The key findings and conclusions of the review were that:

- Medway should reduce the reliance on traditional overnight residential Short Breaks. Such provision should only be for children and young people with the most complex needs;
- Personalised budgets should be offered as a choice to families eligible for Short Breaks enabling them to have greater choice and flexibility in determining how they spend their budget and on what service;
- Better information of and awareness of short breaks provision should be made available to families and to young people via the Local Offer;
- There needed to be greater clarity and information about use of short breaks
- Use of short breaks provision should be more closely aligned with levels of need;
- Medway should re-commission its short breaks services.

2.3 The rationale for re-commissioning was to:

- Increase the choice of more cost effective overnight short break provision in Medway;
- Ensure families have access to provision that is more flexible and responsive to their needs;
- Ensure the future commissioning plans for short breaks are aligned to the roll out of the SEND Reforms and 0-25 Disability service;
- Ensure service provision is aligned to meeting need and is delivered in a coordinated and joined up way;
- Ensure that all future commissioned short breaks are directed at meeting targeted and assessed need;
- Maximise use of mainstream and universal services.

2.4 It was originally anticipated that the re-commissioning of short breaks provision would result in the production of a framework agreement that was in place by 1st September of this year.

2.5 Over 1000 children a year access short breaks provision in Medway. 65 utilise residential forms of respite, the remainder use other forms of short breaks which

includes after school clubs, playgroups, mentoring, sports clubs and 1:1 sitting and befriending services.

2.6 It is predicted that the number of children in Medway will increase and the most recent JSNA suggests that the number of children and young people with Special Educational Needs and Disabilities (SEND) will increase by 5.5% each year over the next 5 years.

2.7 The Local Offer will provide information on what services children, young people and their families can expect from a range of local agencies. This should include education, health and social care provision. Due to the increased use of universal and mainstream services, it could also include details of these services especially those that either provide cost reductions for people with disabilities or are accessible to people with disabilities. This information will better enable children and their families to make positive choices about how they are supported and by whom and will enable them to live as independently as possible within their local communities.

3. Progress

3.1 Work has progressed on a number of fronts in relation to the implementation of the short breaks review, specifically in relation to engagement with parents and families, engagement with young people and engagement with current and potential providers.

3.2 Discussions with a number of parent and family groups, not least the Medway Parent and Carers Forum, have indicated that they want to be fully involved in taking the re-commissioning forward. They have expressed a desire to be fully involved not just in the evaluation of tenders at a future stage but in ensuring that their views are fully represented in the development of a service specification. Equally they are keen to be involved in the re-design of the local offer.

3.3 The Parent and Carer Forum has recently undertaken a survey of a number of families to elicit their views on the provision of short breaks; the findings of which they have shared with Medway Council. This survey has provided very valuable information in relation to moving things forward and the key issues to consider:

- 60% of respondents reported difficulty in recruiting a personal assistant for their child
- Over 60% of respondents felt there was a lack of flexibility from services that supported children in their own homes
- 77% reported that their child rarely or never accessed mainstream provision, even with support

3.4 The survey also indicated the types of short breaks that families wanted, which included; holiday play schemes, weekend respite, after school clubs, youth clubs, art, drama, dance and sporting activities; and that issues such as safety, enjoyment, levels of support and availability were the key factors influencing their choice of short breaks.

3.5 A letter has been sent to families in receipt of short breaks to inform them of progress so far in relation to short breaks and to seek their views on the way

forward. Three workshops are to be held late in July to more clearly outline the Council's plans and to seek their feedback on them.

- 3.6 As a result of the engagement so far with families, the Director of Adult and Children's Services in consultation with the Portfolio Holder for Children's Services, has agreed to extend the anticipated timetable for re-provision to ensure full engagement of children and young people and their families.
- 3.7 Young people have indicated that they want to be engaged in the whole process; they have indicated that they want to build on their expertise as Young Commissioners and to help to develop a performance management framework with respect to short breaks provision in the future. They have provided some useful information about how the Local Offer could be better publicised, and have expressed some interesting ideas on what they consider to be a good service. Officers met with a group of young people at the end of May to seek their advice on and assistance in holding a series of engagement events with young people regarding the future of short breaks provision.
- 3.8 During the meeting they gave some direct feedback, both positive and negative, about existing projects:

Positives:

- Lots to do and lots of choice at a particular scheme
- They are really supporting me to cope with life and teaching me life skills

Negatives:

- They treated us like babies/children, not young adults
- Not enough choice of activities
- I had to stop going because my parent's shifts changed and there was no-one to take me

- 3.9 They also gave some useful ideas about how to inform young people about short breaks, and pointed out that whilst social media is useful, not all young people use social media, so newsletters, adverts and word of mouth were also important. As a result of the discussion with young people, officers will also be visiting a number of youth projects throughout July to further seek the views of young people.
- 3.10 A number of informal meetings and a Market Engagement Event have taken place with current providers and providers who supply short break provision to local authorities, both in the South East and nationally to explore what other forms of provision and best practice exist outside of Medway. The Market Engagement Event was attended by 34 organisations (local, regional and national providers) and included two representatives from the Medway Parent Carer Forum, who gave a short presentation on their experience of and views on short breaks and actively contributed to the discussions.
- 3.11 The majority of organisations in attendance do not currently provide short breaks services to Medway, but have clearly indicated their wish to do so. Feedback from the event and information provided prior to it by many of the organisations, whilst posing some challenges, is also providing valuable intelligence in taking this work forward. The key messages from engagement with providers to date are:

- Conflicting views about the viability and usefulness of a framework agreement; one large national provider indicating it has proved positive for them and for people who use their services; another who has found such agreements a barrier
- There are a range of models used by other Local Authorities to ensure better and more effective use of short breaks – namely a specialist short breaks team within the local authority, the development of a one stop shop, use of one provider as a key strategic partner who sub contracts with other providers
- Some local providers are unsure and uncertain about how the use of direct payments and personalised budgets will impact upon their business
- How to support local providers through a tendering process and encourage their growth and development whilst at the same time opening up the market to other providers who can offer a wider range of services and provision
- Ensuring that the re-commissioning and tendering process satisfies both the need for better governance and transparency by the Council and also encourages and sustains innovation and flexibility by providers

3.12 Further engagement is now taking place with providers to better understand the challenges and issues they have raised, and in particular why there is a diversity of opinion regarding the relevance of a framework agreement. Further discussions with existing providers are, however, also indicating that:

- They broadly welcome the idea of some form of a contractual agreement and clear performance management framework; it will put all providers on an equal footing and they will all know what is expected of them
- There are mixed views about their ability to compete within a tendering exercise and some will require some support through this process
- They welcome the Council's open approach regarding this process

3.13 Officers in front line services are working with commissioners to develop a clearer pathway to enable them to access direct payments and to clarify eligibility for short breaks. It is anticipated this will be completed by September 2015.

3.14 The revised timetable, with completion dates is as follows

- 3 engagement events with families – July 2015
- Visits to projects and consultation with young people – August 2015
- Completion of dialogue with providers and follow up market engagement event – August 2015
- Completion of paperwork and documents for procurement process – August 2015
- Commencement of formal procurement process – September 2015
- Clarity re eligibility criteria and pathways – September 2015
- Implementation of new 'framework'/commissioning model by April 2016

3.15 All current providers have been informed of this revised timetable and the Council has released funding to enable them to continue to provide services from September 2015 and March 2016.

4. Advice and analysis

- 4.1 Although progress to date has raised a number of challenges to the Council's intentions, the responses have in the main been positive and have better informed the workplan.
- 4.2 Several common themes have emerged during discussions with both providers and families:
- Direct payments and personalised budgets, in the experience of many, does change the relationship between families and providers and encourages providers to be more flexible and responsive to a family's needs and aspirations. Equally it has become evident that within Medway a more positive approach is needed towards publicising them, supporting providers to change their business models and (as in many authorities) supporting frontline staff in their promotion of them
 - Whilst the Local Offer has not been the explicit focus of engagement so far, it is becoming clear that the way the Local Offer is publicised is as important as the actual content of it; so too is ensuring that there is a better understanding of the Local Offer
 - There has been a broad acceptance that the Council's proposals are designed to allow flexibility in service provision, to be more responsive to families needs and to offer more choice and control to families. However there is also some uncertainty as to how accessible universal and mainstream services are to disabled children and their families
- 4.3 Officers are mindful that there remains work to be done, but feedback to date suggests that there is broad agreement to the proposals so far. The revision of the timetable and the fact that this came about, to a large extent, because of discussion with families, has been received positively. Equally the feedback from families is that they welcome the offer of further engagement with the Council and the opportunity to further influence the Council's plans.
- 4.4 The revised timetable will also better allow the Council time to ensure that its proposals reflect best practice elsewhere, that it can ensure there is sufficient range of provision that can be flexible and more responsive to the needs of children with disabilities and their families whilst at the same time ensuring that there is greater transparency in the procurement of short breaks provision

5. Risk management

- 5.1 Discussions with family groups and carers did initially indicate some disquiet at the timetable originally planned.
- 5.2 Prior to informal and formal market engagement there was no measure of how the Council's proposals would be received by providers nor if there would be sufficient interest in the proposals.
- 5.3 Work to date has mitigated against any possible challenges to the Council's plans. Ongoing involvement by and dialogue with families, in particular, will further mitigate against any possible challenges and will ensure the Council is better able to respond to families.

- 5.4 The engagement with both current and possible future providers has indicated that there is sufficient interest in the Council's proposals and a more formal tendering process would be positively received. The challenges raised as a result of the engagement will support the Council in ensuring it takes the most appropriate steps in the formal procurement process; thereby ensuring both greater transparency and accountability but provision that is both cost effective and able to respond effectively to needs.

6. Implications for Looked after Children

- 6.1 Short breaks are part of the Council's early help work to prevent children with disabilities becoming LAC. Short breaks provide invaluable respite for families and carers as well as foster carers if a child has come into care.

7. Financial implications

- 7.1 Short breaks will be delivered within available budgets

8. Legal implications

- 8.1 This Committee has the remit to review and scrutinise children and family services including all functions and duties of the council under all relevant legislation in force from time to time relating to children's social work and social services. Under The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 the Council also has power to review and scrutinise any matter relating to the planning, provision and operation of the health service in Medway. This Committee has responsibility for scrutiny of children's health.
- 8.2 A report has previously been considered by this Committee regarding the review of Short Breaks and its conclusions. This report updates this Committee on the progress regarding the implementation of the findings of that review, informs committee of some of the feedback so far and the intentions to engage further with stakeholders.

9. Recommendations

- 9.1 Committee is asked to note the contents of the report and the direction of travel

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Appendices

None

Background papers

None