

REPORT FOR: CABINET

Date of Meeting: 14 February 2013

Subject: Activities and Short Breaks for Disabled Children and their Families

Key Decision: Yes

Responsible Officer: Leora Cruddas, Divisional Director, Quality Assurance, Commissioning and Schools
Roger Rickman, Divisional Director, Special Needs Services

Portfolio Holder: Councillor Mitzi Green, Portfolio Holder, Children, Schools and Families
Councillor Thaya Idaikkadar, Leader and Portfolio Holder, Property and Major Contracts

Exempt: No

Decision subject to Call-in: Yes

Enclosures: Initial Equality Implications Assessment

Section 1 – Summary and Recommendations

This report explains why activities and short break services for disabled children should be re-tendered for 2013.

These proposals will deliver the MTFS savings, as well as significantly improving services, disabled children's outcomes, local provision and choice for parents.

Recommendations:

Cabinet is requested to:

1. Grant approval to tender and set up a Framework Agreement for activities and short break services for disabled children from 2013 onwards
2. Delegate authority to the Corporate Director for Children and Families in consultation with the Portfolio Holders for Children's Schools and Families, and Property and Major Contracts to award contracts under the Framework Agreement for activities and short breaks for children with disabilities.

Reason: (For recommendation)

- The framework contract value (for multiple providers) will be in excess of £1,000,000 over 4 years
- These services have been identified to deliver savings as part of the MTFS for FY14/15

Section 2 – Report Section 2

Introductory paragraph

- 2.1.1 The Government is introducing new legislation for Special Educational Needs which enables us to offer more choice of provision and increase the take up of direct payments.
- 2.1.2 We have taken the opportunity to review the whole category of spend which give parents, carers and their disabled children activities and short breaks. We are also keen to adopt a social model of disability to support families and children to have as ‘ordinary’ a life as possible – these services are critical to that aim and we are particularly keen that barriers to disability are lowered in Harrow.
- 2.1.3 The long-term intention in redesigning these services and the market is to provide parents with a direct payment and the choice of activities and short breaks. Parents are in the best position to assess which services will most efficiently and effectively deliver the outcomes they seek for their family, and we want to ensure there is a broad range of value for money activities and short breaks for them to choose from.
- 2.1.4 We are proposing an innovative procurement model to enable this choice and better outcomes for families. We would like to put a framework in place which encourages providers to create new local services through competition and incentivise the market to be built around end user requirements. Providers will not be guaranteed volume of business through this framework – they will have to offer what parents and disabled children want for their services to succeed.
- 2.1.5 Overall we expect a significant improvement in the outcomes we can achieve for Harrow’s disabled children and their families. These changes will be an early development from the move to strategic commissioning in the children and families directorate.
- 2.1.6 Note that decisions described in this paper enable the Council to meet its priority to: “support and protect people who are most in need”. They will also enable Children and Families’ Services to meet its commissioning priority (2011-14) to: “expand access for disabled children to short breaks”.

2.2 Options considered

2.2.1 The following options were considered:

- To commission a range of new short break services which meet changing local needs and demand whilst delivering the agreed Medium Term Financial Strategy (MTFS) savings for 2014/15 of £100,000
- To continue to commission current services at the same level as in financial year 12/13

2.2.2 Activities and short break services have been commissioned since 2008 and are due to expire in June 2013 and therefore an open and transparent tendering process will need to be undertaken to commission a range of new services.

2.2.3 In the financial year 11/12, the Children and Families' Services spent over £800,000 commissioning activities and short breaks for disabled children. It was agreed in the MTFS for financial year 14/15 that £100,000 efficiencies should be achieved in services for disabled children; this provision will contribute to these savings.

2.2.4 The expiration of these services provides us with the opportunity to review local needs, available resources and the current market and to enable us to:

- Cope with the increasing demand (more children with complex needs and population increase)
- Improve choice and responsiveness to parents
- Encourage co-design of services through commissioning, and co-production of outcomes for disabled children
- Reduce the need for disabled children to become 'looked-after' and be placed in expensive school placements out of borough.

2.2.5 Local Authorities have a statutory duty under the Breaks for Carers of Disabled Children Regulations 2011 to provide short breaks for carers of disabled children in their area. This is to enable parents and carers to undertake their caring role more effectively and to undertake the following: (1) participate in education, training or any regular leisure activity; (2) meet the needs of other children in the family more effectively; or (3) carry out day to day tasks which they must perform in order to run their household.

2.2.6 A report on the progress of parent carer participation and the development of short breaks: 2008 – 2011 – “Towards a more ordinary life ...” highlights the positive outcomes achieved by development and improved developments of short breaks. It states that:

“ Local authorities are seeing less need for social care interventions, a decrease in costly out-of area placements and a fall in the number of disabled children entering the looked after system.”

(Together for Disabled Children, 2011)

2.2.7 In Harrow, there are approximately 250 children looked-after each year and of this number only 14 (5.6%) have a disability.

2.2.8 Harrow’s short break service has enabled families to cope with their caring responsibilities by providing overnight stays, carers support in the home and holiday play schemes and after school activities in the local community. This provision has helped to maintain the low numbers of disabled children entering the care system thus significantly reducing the cost to the council.

2.2.9 During September and November 2012, consultation was undertaken with key stakeholders to understand their experience of local activities and short breaks for disabled children and their families. This involved the following:

- Liaising with Chair of the Harrow Parents for Disabled Children Forum
- Circulating questionnaires to parents/carers via special schools and local providers and through the Harrow Council website during October 2012. 55 parents/carers responded to the questionnaire
- Facilitating parents’ focus groups in two local special schools in October 2012. A total of 37 parents/carers attended these events. Parents told us that they wanted more choice and flexibility in the way they access services
- Current providers and social workers within the Children with Disabilities Service were also consulted in November.

2.2.10 The preferred approach is ‘option 1’, as it will enable the council to meet its statutory duty to provide short breaks for disabled children, review current provision, identify efficiencies and comply with procurement rules and regulations.

2.2.11 Members are also requested to delegate authority to the Corporate Director for Children and Families in consultation with the Portfolio Holders for Children’s Schools and Families, and Property and Major Contracts to award contracts under the Framework Agreement for activities and short breaks for children with. This will ensure that the

tendering process is undertaken without delay and that new services are commissioned as soon as possible.

2.3 Background

2.3.1 Since 2008, Children and Families Services have commissioned a range of external and internal providers to deliver activities and short breaks for disabled children and their families. Services have included: holiday play schemes; home support; trips; overnight stays; sitting service; registered carers; Saturday clubs; outreach in the community; and after school activities and facilities.

2.3.2 During 2011/12, over 500 disabled children and their families accessed at least one of the locally commissioned activities and short breaks. More than 50% of beneficiaries who accessed the services had a care package, as they were assessed by the Children with Disabilities Team to have complex needs. Other service users were eligible for these services without an assessment if they were in receipt of middle or higher rate Disability Allowance (DLA).

2.3.3 Children and families that are eligible for short breaks are offered a direct payment which they can spend with recommended providers or self-selected providers/carers. A total of 84 children received a direct payment by the end of financial year 2011-12; by September 2012 it increased to 121. Over the next few years, we will be working with local providers and families to increase direct payment take-up; the proposed tendering process is a step towards developing a market that offers greater choice and flexibility.

2.4 Why a change is needed

2.4.1 Change in demographics

There has been an increase in the number of children with special educational needs and disabilities in Harrow. The total number of children with special needs statements in Harrow has increased by 93 or 9% between 2006 and 2011 calendar years. In addition, the percentage of children with a statement placed in a special school has increased from 35% to 43% during the same period. The biggest growth in demand across the four local special schools is for pupils with autism; a 63% increase between 2009 and 2012. Additional capacity has been established in mainstream schools through three specialist resourced provisions for pupils with autism. This represents continued pressure and demand for more special school places and also has implications for the number of children and families requiring short breaks and specialist out-of- school care.

2.4.2 Need for new providers

There are a limited number of local providers available to provide specialist support to disabled children with complex needs. Current local providers are not able to meet the diverse and increasing complex

needs of this group and therefore we would like to invite new providers in to this market.

We expect new and existing providers will tender to provide a range of innovative services for disabled children. We expect that this will lead to more efficient and effective improvement in outcomes and a better experience for families.

2.5 Background needs data

- 2.5.1 Most of the children who access activities and short breaks receive additional support through one of the local special schools or specially resourced mainstream schools. In Oct 2012, there were 2,836 children with special educational needs and disabilities (at School Action Plus or with a Statement) in all local schools, of which 379 (all with a statement) were in local special schools. The number of children with special educational need and/or disabilities has increased and as a consequence the special school population has rose from 342 in 2009 to 379 in 2011. Although some children will be able to access mainstream provision with minimal adaptation, there are an increasing number of disabled children with complex needs that will need specialist support and in some cases require more than one carer to enable them to fully participate in activities.
- 2.5.2 In February 2012, approximately 1,200 families in Harrow received a Disability Living Allowance (DLA) for children between the age of 0 – 18 with a care and/or mobility need. This figure includes the three components of DLA: lowest, middle and highest. The eligibility criteria for accessing short breaks through the Council has been for those in receipt of the middle and highest components of the DLA. Although commissioned services have not been available for children with less complex needs and we have not been able to disaggregate these figures, this indicates that there needs to be a range of provision to meet a diversity of need.
- 2.5.3 The number of children in Harrow special schools has increased from 342 in 2009 to 375 in 2011. In addition, there is a corresponding increase in the number of pupils with special educational needs. The total number of special needs statements in Harrow has increased by 93 or 9% between 2006 and 2011 calendar years. In addition, the percentage of children with a statement placed in a special school (Harrow, other local authority, independent or non-maintained) has increased from 35% to 43% during the same period. This represents continued pressure and demand for more special school places and also has implications for the number of children and families requiring short breaks.
- 2.5.4 The biggest growth in demand across the four special schools is for pupils with autism (a 63% increase between 2009 and 2012). Three specialist resourced provisions for pupils with autism have been

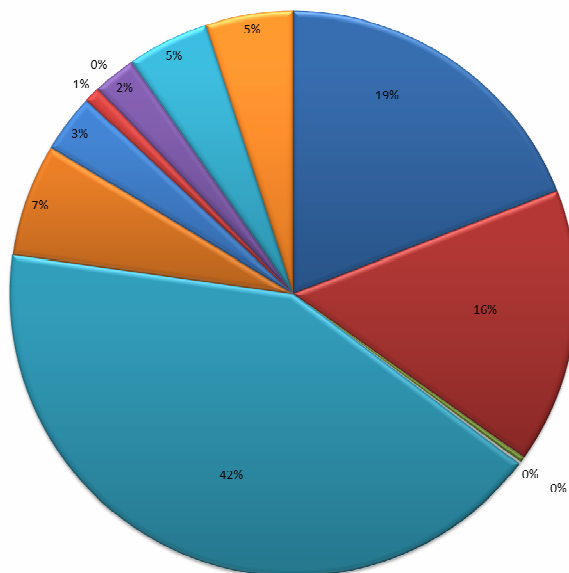
established in mainstream schools; two facilities in primary schools and one in a secondary school.

2.5.5 The chart below shows the primary needs of children and young people in local schools requiring additional support. (School census data, 2011) The most prevalent conditions in the local school sector were as follows:

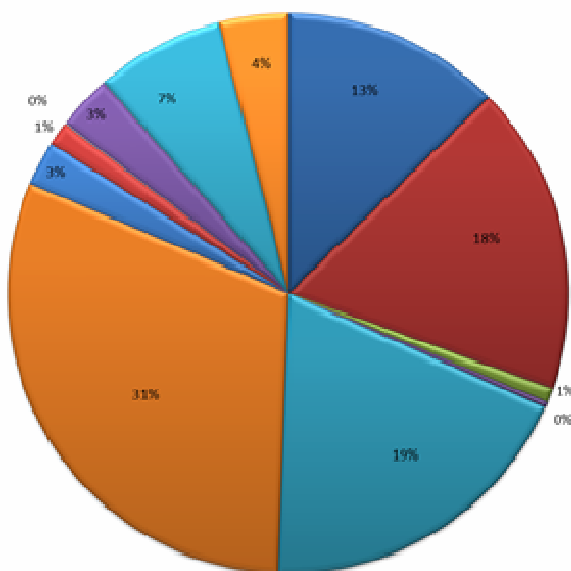
- Primary schools: speech, language and communication (31%), behaviour, emotional and social difficulties (19%), moderate learning difficulties (18%)
- Secondary schools: behaviour, emotional and social difficulties (42%), specific learning difficulties (19%), moderate learning difficulties (16%)
- Special schools: severe learning difficulties (31%), autistic spectrum disorder (18%), moderate learning difficulties (18%)

The charts below illustrate the primary needs of children with special needs and disabilities requiring additional support in local schools

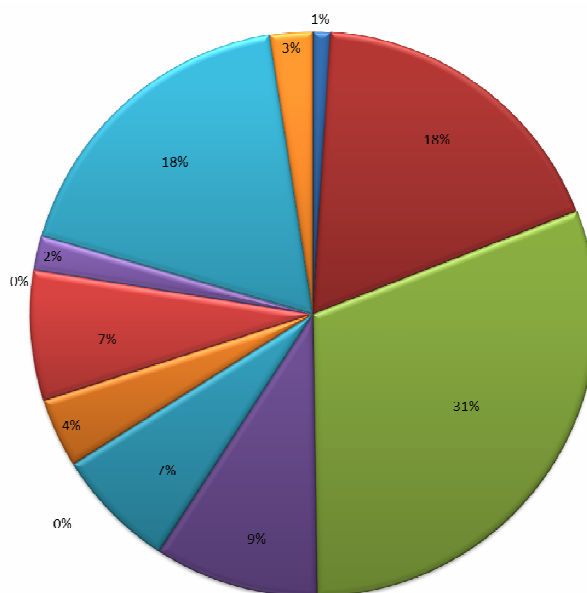
Local secondary school data



Primary school data



Special school data



School census data, 2011

2.6 Implications of the Recommendation

2.6.1 Legal Implications

- 2.6.1.1 The Breaks for Carers of Disabled Children Regulations 2011 were made under paragraph 6 of Schedule 2 to the Children Act 1989, which imposes a duty on local authorities, as part of the range of services they provide for families, to provide breaks from caring to assist parents and others who provide care for disabled children.
- 2.6.1.2 The Regulations, which came into force on 1st April 2011, prescribe the manner in which local authorities must make provision for short breaks for carers of disabled children in their area.
- 2.6.1.3 Local authorities must have regard to (a) the needs of those carers who would be able to provide care more effectively if they had breaks from caring, and (b) the needs of those carers who would be unable to continue to provide care unless a break were offered to them (regulation 3).
- 2.6.1.4 They require that local authorities provide a range of short breaks services (regulation 4), and that local authorities, in consultation with carers in their area, prepare, publish, and keep under review, a “short breaks services statement” setting out what services are available, the categories of carer who may be eligible to gain access to them, and how they are designed to meet the needs of carers in the area.
- 2.6.1.5 These services are Part B Services under the Public Contracts Regulations 2006 (PCR) and so the council does not need to comply with the detailed prescriptive tendering rules set out in the PCR. However the tendering process must be fair and transparent.

2.6.2 Financial Implications

- 2.6.2.1 In 2013/14 the budget for commissioning activities and short breaks for disabled children totalled £750,000.
- 2.6.2.2 In recent years, block contracts have been put in place with a small number of providers. However, this approach has restricted the use of limited resources available and parental choice. The tendering process will enable us to replace block contracts with framework arrangements; this means that limited resources will be utilised more effectively as providers will only receive payment for services provided.
- 2.6.2.3 In 2014/15 a budget reduction of £100,000 (13%) is included in the Medium Term Financial Strategy. It is anticipated that the proposed measures will deliver the majority of this saving.

2.6.3 Performance Issues

2.6.3.1 If this proposal is approved, these services will meet the following priority:

- Supporting and protecting people who are most in need.

2.6.3.2 Disabled children and their parents/carers are one of the most vulnerable groups in Harrow and therefore this provision will provide a range of respite services and activities which will support and protect to this group.

2.6.3.3 There are no established performance indicators for total short break activity. However, a local indicator has been in place for a number of years to measure the number of direct payments to families of disabled children, which are largely used to purchase short breaks and similar services:

Direct Payments	Target	Actual
2011-12	50	84
2012-13 (Sept)	105	121

2.6.3.4 In 2011/12, approximately 500 children accessed short breaks via a commissioned service; during the first 6 months of 2012/13, there were 380 beneficiaries. At the end of this financial year, it is anticipated that the total number of beneficiaries will be in line with the previous year's figures.

2.6.3.5 As more families are encouraged to participate in the direct payment scheme, it is anticipated that there will be a decline in the number of short breaks accessed by commissioned services.

2.6.4 Environmental Impact

2.6.4.1 There are no direct environmental impacts.

2.6.5 Equalities implications

2.6.5.1 Was an Equality Impact Assessment carried out? Yes

2.6.5.1 If the proposal to go out to tender for new services is approved; a wider range of services would be available to meet the diverse needs of disabled children and their parents and carers. An initial Equality Implications Assessment which was completed indicates that a Full Equalities Impact Assessment is not required for this decision; however an assessment will be undertaken as part of the tendering process in line with the Council's Equality in Procurement and Commissioning Guidance.

2.6.6 Corporate Priorities

2.6.6.1 The proposed services will contribute to the following Corporate Priorities:

- United and involved communities: A Council that listens and leads
- Supporting and protecting people who are most in need.

Section 3 - Statutory Officer Clearance

Name: Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 14 January 2013		
Name: Stephen Dorrian	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 15 January 2013		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 15 January 2013		

Section 5 – Environmental Impact Officer Clearance

Name: John Edwards	<input checked="" type="checkbox"/>	Divisional Director (Environmental Services)
Date: 28 January 2013		

Section 6 - Contact Details and Background Papers

Contact: Audrey Salmon, Senior Commissioner, 020 8416 8629

Background Papers:

Initial Equality Implications Assessment (see enclosure)

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]