

# Delegated Decisions report



22 August 2023

## SHORT BREAKS FOR CHILDREN AND YOUNG PEOPLE

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(Cabinet member for Children and Families)

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Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>Ref number / Not in Council Plan</b>
Wards affected	<b>All wards</b>

### Executive Summary

Under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011, local authorities have a duty to provide as part of the range of services they provide for families, breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively.

Short Breaks services is for children and young people who live in Milton Keynes and have an Educational Health Care Plan (EHCP). Enabling the time off that family carers and children and young people with additional needs receive. These breaks come in different forms. Emphasis on building confidence and independence through inclusive play, play/holiday schemes and enabling social inclusion and skills. Short Breaks is available to children and young people with disabilities and additional needs, aged 0-25. This can be children and young people with an inherent condition or impairment, whether mild, moderate, or severe, diagnosed, or undiagnosed who live in Milton Keynes.

To meet the statutory obligations imposed by the Act, the services was commissioned, and the contract awarded to the current provider Barnardo's Services

Ltd, via a Delegated Decision for a three year term (1 October 2018 to 30 September 2021). It was subsequently extended via an Officer Decision for a two year term (1 October 2021 to 30 September 2023). A waiver also known as a direct award has been submitted to approve 6 months from 1 October 2023 until 31 March 2024. This will enable the Council to procure and recommission Short Breaks services based on the findings of the review.

A working group was established, and engagement activities has allowed the Council to listen to parents and carers lived experiences and supports the direction for Short Breaks Services.

This paper is seeking approval to commence a competitive open tendering process for the purpose of commissioning Short Breaks Play Schemes and Activities.

## 1. Proposed Decision

- 1.1 That the commencement of a competitive tendering exercise for the purpose of commissioning Short Breaks Play Schemes and activities for Children and Young People with Special Educational Needs and / or Disabilities (SEND), be approved.

## 2. Why is the Decision Needed?

- 2.1 Under the 'Children Act 1989' and the 'Breaks for Carers of Disabled Children Regulations 2011', local authorities have a duty to provide, as part of the range of services they provide for families, breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively.
- 2.2 To procure and commission Short Breaks Schemes and Activities for a period of three years from 1 April 2024 to 31 March 2027 (with an option to extend for a further two years to 31 March 2029).
- 2.3 Estimated value of the contract for the 3-year term will be £0.340m and the value of the extension if utilised will be further £0.226m Overall contract for five years will be £0.567m
- 2.4 Emphasis is placed on prevention and the promotion of wellbeing across the whole population. Children, young people, and their families are empowered through active involvement in decisions about their care through shared decision making, which is fundamental to the approach.
- 2.5 Short Breaks services is for young people who reside in Milton Keynes and have an Educational Health Care Plan, enabling the time off that family carers and children and young people with additional needs receive. These breaks come in different forms. Emphasis on building confidence and independence through inclusive play, play/holiday schemes and enabling social inclusion and skills. Present commissioned service delivers a Short Breaks that is available to children and young people with disabilities and additional needs, aged 0 – 25 years old. This can be children and young people with an inherent condition or

impairment, whether mild, moderate, or severe, diagnosed, or undiagnosed who live in Milton Keynes.

- 2.6 The existing Short Breaks arrangements have not been reviewed for some time. A working group was established to review this, and engagement activity has allowed us to hear and listen to parents and carers lived experiences and supports the direction for Short Breaks services. Consequently, we are now in position to shared vision for Short Breaks. This includes:
- management of a remodelled Short Breaks Voucher Scheme;
  - utilisation of Council premises for some aspects of the provision;
  - widening the scope of provision and eligibility criteria;
  - reallocation of funds used for grant awards; and
  - explore the Holiday Activities and Food programme (HAF) into short break offer and increase providers and increase types of activities.
- 2.7 Our current Short Breaks offer does not have enough flexibility, choice and access where families are unable to book sessions. Families should be able to access services close to where they live. The services should help parents and children build networks that connect them to their community. This will help Milton Keynes achieve good outcomes for children and families.
- 2.8 It is difficult to keep things the same and manage the demand for Short Breaks. This is not going to get easier with the financial constraints the LA faces. It is anticipated more people will use the services over the next five years. Capacity needs to be commissioned to therefore meet demand. Therefore, the Council needs to provide services that are value for money and spent where there is the greatest need.
- 2.9 The Council wants to make sure people who use Short Breaks are treated fairly and consistently with Short Breaks available for people as and when they need it.
- 2.10 Short Breaks Services are currently provided by Barnardo's Services Ltd with support of other providers. The contract which was for an initial three year term starting on 1 October 2018 and subsequently extended in 2021 for two further years, is due to end on 30 September 2023. The extension was agreed by a officers decision at the time. A further 6 months waiver to enable a direct award to the present provider has been requested until from 1 October 2023 until 31 March 2024.
- 2.11 During the contracted period, Barnardo's Service Ltd has provided a wide range of opportunities to meet the needs of young people and parents / carers which has been appreciated. During 2022 and 2023 the following activites were undertaken:
- The number of occasions accessed by young person with complex needs was 109.

- The number of occasions provision was accessed without complex needs was 626.
- The number of families accessing the service was 245.
- The total number of users aged between 5-25 who accessed the service was 735.
- The total number of hours delivered for age 0–25-year-old was 1986.

2.12 Whilst it was previously intended to recommission services for October 2023, an initial review of existing provision revealed that the Council could be more ambitious than originally thought but required remodelling. The review has indicated widening the options of activities around weekend, school holiday and evening along with maximising use of youth clubs. Previous service specification was outdated and required major changes to accommodate changing needs and widening the scope of provision and eligibility criteria and legislation.

2.13 Commissioners are now in position to recommission the Short Breaks Schemes and Activities service with a new service specification, for a period of three years from 1 April 2024 to 31 March 2027 (with an option to extend for a further two years to 31 March 2029).

### 3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	Y
Energy Efficiency	N	Workforce	y

#### (a) Financial Implications

Short Breaks has an allocated budget of £0.113m per annum and there are no additional cost pressure identified at this point.

We continue to experience a period of high inflation in the UK which has put significant pressure on providers. Due to the significant challenges in the current employment market, most providers are requesting an increased uplift to maintain their business. To sustain and increase local providers, the council needs to ensure services are supported to be financially viable or providers may seek business from other local authorities to remain viable.

#### (b) Legal Implications

The Council has statutory duties under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011, to provide sufficient and appropriate short breaks for disabled children and their families as well as ensuring disabled young people aged 13 up to 25 have access to sufficient educational and recreational leisure-time

activities which are for the improvement of their wellbeing under the Education Act 1996.

The report seeks approval to procure and commission the delivery of Short Breaks Scheme and activities for Children and Young People with Special Educational Needs and/or Disabilities in Milton Keynes.

The contract is for a period of three years, commencing 1 April 2024 to 31 March 2027 with an option to extend for a further two-year term to 31 March 2029.

The procurement proposals contained in this report will be undertaken in line with the Council's Contract Procedure Rules (CPRs) and Regulations 74 to 77 of the Public Contracts Regulations (PCRs) 2015 (Light Touch Regime). The threshold for services under the LTR is currently £0.663.54m, therefore, any procurement above this threshold must follow the PCR 2015 procedure.

Under the Local Government Act 1999, the Council is required to achieve best value in the exercise of its functions. By running a competitive procurement exercise and obtaining quotations/ tenders in accordance with the CPRs and PCRs, the Council aims to achieve best value.

(c) Other Implications

The commissioning of the short break and activities service will contribute to the delivery of the following Key Priority and Outcome, as listed in the Milton Keynes Council City Plan (2022 – 2026).

- Tackling Social Inequality.
- Excellent services for our children and young people.

## 4. Alternatives

### 4.1. Develop In-House Provision

The cost of developing in house provision can be costly and the Council will struggle to maintain a skilled workforce to deliver such a large and wide range of activities.

## 5. Timetable for Implementation

August 2023 - seek approval to extend Barnados contract for six months to enable full procurement.

September 2023 - commence a competitive tendering process for the purpose of commissioning Short Breaks Play Schemes and Activities.

December 2023 - secure a provider to deliver Short Breaks Play Schemes and Activities.

January 2024 - formalise the contract with the chosen provider.

February 2024 - seek DD approval for contract award.

March 2024 - issues new contract.

1 April 2024 - new Contract commences.

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## List of annexes

None

## List of background papers

None