



## Report to Policy Committee

**Lead Officers of Report: Sally Willoughby, Senior Manager, Strategy, Policy, Development and Performance**

**Becky Towle, Assistant Director, Children's Services**

**Tel: 0114 205 3834**

**Report of:** Joe Horobin, Director of Integrated Commissioning and Sally Williams Interim Director, Children and Families

**Report to:** *Education, Children and Families Policy Committee*

**Date of Decision:** 18.09.2023

**Subject:** ***Commission of short breaks and transitions services***

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 2125				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>				

**Purpose:**

The purpose of the report is to seek approval to uplift the short breaks budget to create additional capacity within the service to meet the needs of children with disabilities and their families. The report identifies growing demand for short breaks and the need to commission a short break specifically for children transitioning to adult services. The report seeks approval to extend the current Framework Agreement for Short Breaks for 12 months until 31<sup>st</sup> March 2025.

**Recommendations:**

That the Education, Children and Families Policy Committee approves the following changes to the existing commissioning strategy for Short Breaks:

- 1) an extension of the commissioning strategy for a period of 12 months (to 31<sup>st</sup> March 2025) at an estimated value of £754,110
- 2) an increase in the budget/capacity for short breaks services from now until 31<sup>st</sup> March 2025 at an estimated cost of £302,556
- 3) the addition of transition services at an estimated value of £100,852

**Background Papers:**

*(Insert details of any background papers used in the compilation of the report.)*

**Lead Officer to complete:-**

1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Kayleigh Inman</i>
		Legal: <i>Richard Marik</i>
		Equalities & Consultation: <i>Bashir Khan</i>
		Climate: <i>Jessica Rick</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>SLB member who approved submission:</b>	<i>Meredith Dixon - Teasdale</i>
3	<b>Committee Chair consulted:</b>	<i>Cllr Dawn Dale</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b>  Sally Willoughby  Becky Towle	<b>Job Title:</b>  Senior Manager, Strategy, Policy, Development & Performance  <i>Assistant Director, Children's Services</i>
	<b>Date:</b> 13 September 2023	

## 1. PROPOSAL

- 1.1 The purpose of this report is to seek approval from the Committee to commission a budget uplift in order to meet current demand and deliver additional short breaks services from external providers for a period of 18 months, for an estimated value of £302,556 for the remainder of 23/24 and 24/25.
- 1.2 The purpose of this report is to seek approval to commission a further 12-months of existing short breaks service provision for a value of £754,110 for 24/25.
- 1.3 The purpose of this report is also to commission a Transition short break service from external providers for a period of 18 months, for an estimated value of £100,852 for the remainder of 23/24 and 24/25.

### Background

- 1.4 The Council has a duty under the Breaks for Carers of Disabled Children Regulations 2011 to provide:
- day-time care in the homes of disabled children or elsewhere
  - overnight care in the homes of disabled children or elsewhere,
  - educational or leisure activities for disabled children outside their homes, and
  - services available to assist carers in the evenings, at weekends and during the school holidays.
- 1.5 Sheffield City Council commissions a range of charities, voluntary groups and independent sector providers from across the city, to deliver a programme of day-time Short Break Services and Activities for children and young people with disabilities in Sheffield. These services provide a range of important leisure and development activities for disabled children and provide a break from caring for parents and carers, and form part of the statutory local offer to children and families.
- 1.6 Research has shown that children with Special Educational Needs and Disability (SEND) or a Learning Disability, ADHD, Autism, etc are at higher risk of poorer outcomes than their non-disabled peers. Daytime Short Break Activities are specialist activities and clubs which are not open to the general public but are solely for disabled children whose needs are more complex requiring specialist provision to meet their needs to support access and engagement.
- 1.7 Children with disabilities and their families were disproportionately impacted by the Covid Pandemic. This includes lockdowns and not being able to access a break from caring through school attendance and short break

activities, and difficulties accessing a range of health and social care services. For some children this meant longer spells at home outside of lockdowns due to their vulnerable health status and risk of complications due to covid.

- 1.8 Equally, the cost of living increase disproportionately impacts families with multiple vulnerabilities such as caring for children with significant and complex disabilities and health needs. Caring for children and young people with this level of need puts some families under increasing financial pressure and impacts emotional wellbeing, family functioning and resilience.
- 1.9 There are currently 12 Providers on the Short Break DPS Framework (term of 4 years and value of £2.1m), delivering within 3 different LOTS. Each LOT is specifically designed around levels of need and complexity to ensure that children are matched to the most appropriate service, and to ensure that Providers have the necessary skills, training, facilities and equipment needed to provide a safe and high quality experience for the children and young people that attend. The LOTS are identified below:
- LOT 1: Mixed level of need
  - LOT 2: High level complex need
  - LOT 3: Significant need including health needs
- 1.10 All clubs are session based with a range of activities offered after school during term time, weekends and in the school holidays. They are delivered in a range of venues across the city from community spaces to special school buildings etc. Activities vary from crafting to sensory play, life skills such as baking, social activities and games and physical play. Some clubs provide outings to local swimming pools, parks and outdoor spaces. All children and their families are assessed through the SNIPS service and matched to the appropriate short break session in the most appropriate LOT on the Framework.
- 1.11 Session costs vary, according to the level of complexity of the children who attend, and which Provider delivers the session. The average session cost across the LOTS is £1,327. Whole year delivery is 50 weeks.

### **Demand for short breaks**

- 1.12 Due to the Covid Pandemic many Providers had to cease delivery over the first 2 years of the contract or move their offer online during lockdown. Over the last year all Providers are delivering sessional short-break services again and uptake in places is increasing beyond capacity for some sessions.
- 1.13 There has been a rise in the number of children identified as having SEND in Sheffield in line with national trends, including a rise in requests for EHCPs for children with more complex needs. Year on year, more families are requesting short breaks, which the Council must provide as part of their statutory duty.

- 1.14 Furthermore, the increase in demand for daytime short breaks has been partly due to the lack of overnight short breaks, caused by pressure on inhouse residential placements. The children waiting for overnight respite have been offered an enhanced day time short break package which has created waiting lists for some clubs.
- 1.15 Central government has recognised this and has made a commitment to increase short breaks funding by 2025 after designing and testing new delivery models, as part of their Change Programme. (Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan, March 2023) Until then, local authorities must meet the statutory duty within existing budgets.
- 1.16 It is therefore proposed that the Council commission a budget uplift in order to meet current demand and deliver increased capacity of its existing short breaks services for a period of 18 months for a value of £302,556. Demand has exceeded the original expectation year on year and annual spend continues to rise putting significant pressure on the original budget. The commission of additional capacity will ensure that the Council can meet increased demand and ensure that all families assessed as requiring a short break can access the service.

### **Short breaks services for a further period of 12 months**

- 1.17 The current short breaks services expire on 31<sup>st</sup> March 2024. The contract commenced 1<sup>st</sup> April 2020 at a value of 2.1m over 4 years. Demand has exceeded the original expectation year on year and annual spend continues to rise putting significant pressure on the original budget.
- 1.18 To allow commissioners to undertake a thorough data led commissioning process it is proposed that the Council's existing short breaks services are extended by a further 12 months for an estimated value of £754,100.
- 1.19 The commissioning of the extension of current short breaks services for 12 months from 1<sup>st</sup> April 2024 will provide further opportunity to:
- Enable Providers to test their delivery model for a further year rather than remotely or with significantly reduced numbers due to Covid.
  - Ensure that Provider costs remain stable for a further year and provide continuity of fees to small Providers to enable them to deliver short break activities, especially given the current economic climate.
  - Allow children with disabilities and their families continuity and security in their current provision following the upheaval caused during the pandemic, whilst Commissioning undertakes the planning of a robust recommissioning process, including co-production activity with children and families.
  - Allow sufficient time to enable Sheffield City Council to test the Short Break Model and monitor and review the effectiveness of the provision

being delivered outside of pandemic restrictions This will enable a more complete data set to inform the recommissioning process and ensure that commissioning intensions are evidence based. Reviewing and broadening the categorisation of LOTS on the Framework would ensure that needs are more clearly defined and more effectively met.

- Allow sufficient time to broaden the scope of the Framework to potentially include other related short break provision to provide a more coherent offer for families and a more efficient way to commission. This would streamline the whole Short Break system, provide more choice for families, best value for money and generate market interest and sustainability through the development of a Market Position Statement.
- Allow the Government time to design and test the short breaks model as part of their Change Programme for SEND and incorporate this emerging evidence into the commissioning process.

### **Transitions as part of the short breaks service**

- 1.20 Whilst some current short breaks provision offers independent life skills, this in in a mixed age group environment. The Council therefore requires a more targeted approach to bridge children into adult services as well as preparing them with skills and experiences to promote independence and successfully build new connections with adult services. This will help the Council better meet the transition needs of children with disabilities as identified in the SEND Accelerator Plan.
- 1.21 The transitions short break will offer a weekly, day time group based short break session, specifically for children aged 16-18 years. The session will cover independent practical life skills and social activities as well as bridging into adult short breaks services and other areas of support, developing links and relationships to provide a seamless transition. Parents and carers will receive a short break from their caring responsibilities whilst their children engage in this session.
- 1.22 It is therefore proposed that the Council commission Transitions short breaks services for a period 18 months and for an estimated value of £100,854 to specifically meet the needs of children with disabilities as they transition to adult services.

## **2. HOW DOES THIS DECISION CONTRIBUTE ?**

- 2.1 This proposal supports the ambitions within the Our Sheffield Delivery Plan 22/23.
- Strong and connected neighbourhoods which people are happy to call home
  - Healthy lives and wellbeing for all

- Happy young people who have the start they need and the future they want
- 2.2 Extending the existing services will enable the Short Breaks Service to continue to support disabled children and young people to attend meaningful and enjoyable short break activities in their local communities and develop a greater connectivity within their neighbourhoods. Furthermore, parent/carers will be able to access a short break which will enable them to reconnect with their support networks and the wider community.
  - 2.3 The Short Break Service offers opportunities for children/young people to take part in activities that promote confidence, wellbeing, and opportunities to socialise with their peers. The service will also provide some much-needed support to parents/carers which in turn will increase their resilience and emotional wellbeing to enable them to continue to care for their child/young person. All of which will contribute to the ambition of healthy lives and wellbeing for all.
  - 2.4 The activities provided through the service will be varied, fun and engaging and shaped by the views of the children and young people accessing them. They will provide opportunities for children/young people with a range of disabilities (from 5-18 years of age) to socialise and make new friendships, all of which will contribute to the ambition of 'Happy young people who have the start they need and the future they want'.
  - 2.5 Additional capacity in the short breaks service will mean that more families assessed as needing a short break will be able to access this without waiting until a space becomes available. Parents and carers requiring a short break from their caring responsibilities will be able to have the respite they need helping to create resilience and promote positive family functioning.
  - 2.6 Children and young people aged 16-18 will be able to access a more targeted short break to meet their specific needs, and better prepare them for adult life and the transition to adult services.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Through the joint work on the SEND Accelerated Progress Plan children/young people and their families have told us that we can better support children and young people by:
  - Providing places to go and things to do after school
  - Providing activities that need to be fun and active
  - Creating opportunities to socialise and access the wider community
- 3.2 We routinely ask Providers to capture anonymous feedback from children and young people and parent/carers utilising the service as part of our contract management processes.

- 3.3 This proposal outlines the need to extend the current provision for 12 months and create additional capacity and a specific Transitions short break. Therefore, we would not recommend the need to carry out any further consultation which is above and beyond what we routinely compile as part of the quality assurance framework. The extension would enable the planning and delivery of robust stakeholder consultation to inform the recommissioning process for the start of a new Framework contract in April 2025.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality Implications**

- 4.1.1 Decisions need to consider the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- to help evidence meeting the requirements of the duty, we have carried out a full Equality Impact Assessment.

- 4.1.2 The Equality Act 2010 identifies the following groups as a protected characteristic:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

- 4.1.3 An annual analysis of the usage of short break services is undertaken, mapping usage and to identify the demographics of children and young people accessing the service, this includes age, ethnicity, geographical location and primary need.

- 4.1.4 An Equality Impact Assessment was carried out at the start of the Framework commissioning process in 2019. This was reviewed in June 2023 which



identified that the assessment was still relevant in all sections with an addition made only to the category of age as a planned Short Break Transition Service would support young people up to and including 18 years of age. For the purpose of this proposal, the review found no need for further update of the EIA.

#### 4.2 Financial and Commercial Implications

4.2.1 The current contract is delivered by a Framework of Providers and is in the final year of the commissioning cycle. The proposal is to extend the current contract by 12 months and then go out to competitive tender for a further 3 years with the option to extend for a further year. This would start from 1st April 2025. This extension would include additional capacity for short breaks and the Transitions service.

4.2.2 An average session cost for additional short breaks capacity and Transitions is £1,327 per session. We require 3 additional short breaks sessions and 1 Transition session per week to meet demand. This equates to 26 weeks in 23/24 and 50 weeks in 24/25. The table below identifies the addition cost of increasing capacity and providing a Transition short break for the next 18 months, subject to contract extension.

	<b>23/24-part year</b>	<b>24/25 full year</b>	<b>18-month Total</b>
<b>Transition</b>	34,502	66,350	100,852
<b>Upscaling</b>	103,506	199,050	302,556
<b>Total</b>	138,008	265,400	403,408

4.2.3 Financial projections for existing short break service for 23/24 is currently forecast at approximately £754k with a further £138k for upscaling and Transitions to meet demand; a total of £892k. This will result in an overspend on the budget, which will be temporarily mitigated from within existing underspends.

4.2.4 The cost of extending the current Framework Agreement for 12 months including continuation of the additional capacity and transitions for 24/25 would be £1.019m. This requires the Framework Agreement to be varied to meet the increased cost.

4.2.5 As this is a demand led arrangement the actual cost of the extension could be higher or lower than the projections dependent upon how many children and young people access the service, the complexity of their needs and staff ratios and which Provider on the Framework provides the service.

4.2.6 The original value of the 4 year contract was £2.1m which is projected to overspend by £400,000 by the end of the financial year 2024. The expansion of the services to meet demand is unfunded and will cause pressure on the short break budget in 24/25. Mitigating savings would need to be made elsewhere in Children's Services to remain within the financial envelope.

4.2.7 The value of this contract means that a competitive tender process in accordance with the Public Contracts Regulations 2015 must be followed. The procurement process to be followed shall be compliant with these requirements and those of Contract Standing Orders and they will be conducted by Commercial Services with a dedicated procurement professional lead. It will also involve the Lead Contract Manager from the commissioning service.

#### 4.3 Legal Implications

4.3.1 Under the Children Act 1989, the Council has a duty to provide services designed:

- to minimise the effect on disabled children within their area of their disabilities;
- to give such children the opportunity to lead lives which are as normal as possible;
- to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring.

4.3.2 In performing this duty, the Council must (under the Breaks for Carers of Disabled Children Regulations 2011):

- have regard to the needs of those carers who would be unable to continue to provide care unless breaks from caring were given to them;
- have regard to the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to: undertake education, training or any regular leisure activity; meet the needs of other children in the family more effectively; or carry out day to day tasks which they must perform in order to run their household.

4.3.3 Furthermore, under the Breaks for Carers of Disabled Children Regulations 2011, the Council must provide services:

- to assist carers to continue to provide care or to do so more effectively.
- providing a range of: day-time care in the homes of disabled children or elsewhere; overnight care in the homes of disabled children or elsewhere; educational or leisure activities for disabled children outside their homes; and services available to assist carers in the evenings, at weekends and during the school holidays.

4.3.4 The contracting arrangements in this report are permitted by the Local Government (Contracts) Act 1997.

4.3.5 The provision of the services as set out in this report will ensure that the Council meet these statutory duties and the proposal in the

report that these duties will be met by way of amendments to an existing contract may be one option (subject to separate Council approval).

#### 4.4 Climate Implications

- 4.4.1 There are no climate implications in relation to the delivery of this service. Where a service will be delivered by external partners and Providers we will aim to work with providers who align with our ambition to be a new zero city by 2030, through the procurement process. We encourage providers to think about the climate impacts of delivering the service, such as the use of office space, staff and client travel, energy and resource use, and opportunities to increase awareness of positive climate action and take appropriate steps to reduce their impacts in the delivery of the service.

#### 4.5 Other Implications

- 4.5.1 There are no additional implications arising out of the request to extend the current contract.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Transitions short break and additional short break capacity could be tendered separately, outside of the Framework Agreement. This would be timely and less cost effective for the Council. Commissioning this separately would add further complexity and potential cost to the commissioning arrangements for short breaks and create confusion for the market place as existing Framework Providers would potentially bid for this work. The Framework Providers have already been tested and quality assured and the DPS allows for additional capacity to be sought through existing Providers.
- 5.2 A shorter recommissioning process is an option; by utilising current data and intelligence and conducting small scale stakeholder feedback and market engagement to mitigate the risk identified above. However, the services commissioned may not be based on sufficient evidence and stakeholder and market engagement which undermines the process. This option cannot guarantee that the services commissioned are evidence based, supported by key stakeholders or that the market is primed to deliver anything other than what they already deliver. This option greatly reduces the opportunity to broaden the scope of the Framework and incorporate the Governments learning from their Change Programme.
- 5.3 Short breaks are delivered in community venues around the city by providers with appropriate buildings and facilities, and the experience and infrastructure required to offer high quality, safe provision. Commissioning a short breaks model in this way supports the council's best value duty and ensures that the council has sufficient short breaks provision with a built in option to upscale to meet demand. It would be extremely challenging for the council to deliver such an expansive and specialised service across the range of venues in-house as the services are sessional and run on the same day and time each week across the city. Providers overcome this challenge

by delivering a range of other services and contracts which make renting premises and hiring staff viable and provides consistency for children and families.

- 5.4 There are no additional implications arising out of the request to extend the current services.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 To seek approval from the Education, Children and Families Committee to extend the current Short Breaks service for a further 12 months, from the 31<sup>st</sup> of March 2024 to the 1<sup>st</sup> April 2025 and commission additional capacity and a Transitions short break for the remainder of 23/24 and 24/25 to meet current and projected demand. This ensures that the Council can meet its statutory duty to provide short breaks for all families that need the service without delay or disruption.
- 6.2 Extending the contract will enable a further year to test and review the current delivery model and gather a comprehensive data set including feedback from key stakeholders and opportunities for coproduction. It will allow Commissioning to broaden the scope of the Framework to streamline the Short Breaks Service offer and engage proactively with the market by developing a Market Position Statement to support sufficiency. Learning and strategic direction from the Governments Change Programme will also influence this process.
- 6.3 We have a statutory duty to provide short break services. They deliver improved long-term outcomes, keeping families together and enabling children to develop new skills. Children with disabilities and their families have been particularly impacted by Covid, and again with the cost of living rise. Extending the contract for 12 months minimises disruption and allows children to settle into their provision now it is fully compliant with the original specification post pandemic.
- 6.4 The Council requires short breaks in order to:
- meet the needs of our children
  - to provide clubs and activities that our children look forward to going to
  - offer a range of support in the form of short breaks so that families have a choice of what they feel will be helpful
  - look at the local communities where these children live and belong to see if there are Providers that can offer varied and engaging short breaks
  - to know what we can do so that existing clubs are inclusive of children with additional needs.