

Forward Plan reference number: FP/339/03/22

Report title: Short Breaks Community Clubs and Activities Contracts 2023-2028	
Report to: Cabinet	
Report author: Councillor Beverley Egan, Cabinet Member for Childrens Services and Early Years	
Date: 19 April 2022	For: Decision
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County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1. Providing short breaks for parents and carers of children and young people with special educational needs and/or disabilities (SEND) is an important and valuable responsibility for Essex County Council (ECC) to undertake. It is essential to support young and adult carers so that they are better enabled in their roles, as well as supporting their mental health and wellbeing.
- 1.2. The Children Act 1989 sets out a legal duty for local authorities to provide short break opportunities for parents and carers which enable them to have a break, but also to ensure that children and young people themselves have opportunities to meet friends, take part in activities, develop independence and have fun by socialising with their peers and learning new skills.
- 1.3. The current contracts for The Short Breaks Community Clubs and Activities (SBCCA) component of the council's full short breaks offer, end on 31 March 2023. This report recommends the recommissioning of the SBCCA offer which will ensure Essex County Council meets its duties.
- 1.4. The recommended core SBCCA offer will provide breadth of choice and access of opportunity for families; the proposed annual micro grant is expected to be made available to mainstream providers to improve inclusion in mainstream settings; and the proposed virtual offer will increase the scope of the support, enabling families to receive support within their homes and help in raising outcomes for vulnerable children.
- 1.5. This decision is important to delivering against four of the Everyone's Essex commitments that are integral to the areas of Health and Families. SBCCA provide short breaks for parents who are carers and spend a lot of their time caring for their children in comparison to other parents. In turn, these short breaks contribute to supporting the health and wellbeing of all the family thereby contributing to their resilience and stability. Furthermore, by having the opportunity to attend the clubs and activities good outcomes are delivered for children and young people through high quality informal educational opportunities.

2. Recommendations

- 2.1. Agree the procurement of twelve contracts for the provision of short breaks, community clubs and activities, through a single stage, procurement for an initial contract term of three years from April 2023 to March 2026 with an option to extend for up to two years to March 2028.
- 2.2. Agree that the procurement will be based on county wide needs-based lots across the south, west, northeast and mid-Essex quadrants (making twelve lots in total). The three needs-based lots are:
 - Children with a learning disability and/or autism (under 8 years and 8-15 years)
 - Children with a physical or sensory impairment (under 8 years and 8-15 years)
 - Older adolescents (aged 15-19 years)
- 2.3. Agree that the evaluation model for the procurement will be based on 30% price and 70% quality, of which 10% of the quality criteria will assess social value.
- 2.4. Agree that the Cabinet Member, Children's Services and Early Years is authorised to agree the terms of and award the SBCCA contracts to the successful bidders within the budget envelope of £1.32m per year.
- 2.5. Agree to set up an annual innovation and inclusion grant fund of £150,000 per year for three years to 2026, at which time it is to be reviewed in line with the SBCCA core offer. The arrangements for the innovation and inclusion grant will be made under separate governance and funded within existing resources.
- 2.6. Agree £20,000 per year to be allocated from the SBCCA budget to enable the development and sourcing of a virtual offer to run concurrently delivery of SBCCA to 2026 at which time it will be reviewed in line with the SBCCA core offer. The arrangements for the virtual offer will be made under separate governance and funded within existing resources.

3. Background and Proposal

- 3.1. The Children Act 1989 requires local authorities to provide short breaks for families with disabled children. Short breaks give carers a break from caring while enabling children and young people to meet friends, take part in activities, develop independence and have fun.
- 3.2. The Council's current short breaks offer comprises a wide suite of early intervention provision including Short Breaks Community Clubs and Activities (SBCCA) as well as other services including specialist support such as overnight

care with Foster Carers when a specific need is identified through social care assessment.

- 3.3. This paper is concerned with the SBCCA element only. At present the Council commissions a range of provision across Essex.
- 3.4. The current range of SBCCA available are primarily delivered by the voluntary and community sector. Families can access SBCCA by meeting simple eligibility criteria and enrolling in activities. There are currently 28 contracts delivering the SBCCA offer, and until recently an additional lead provider contract, delivered by Action for Children (AFC). The AFC contract expired September 2021 and was not extended, with the contract and performance management responsibilities being delivered by ECC. The current contracts for Short Breaks Community Clubs and Activities end 31 March 2023.
- 3.5. As at 14 March 2022, there were 4,409 families registered across all Essex Short Breaks provisions, of which 1,668 access the SBCCAs.
- 3.6. The existing SBCCA model was developed in 2015. ECC has collated comprehensive data and research resulting in a robust assessment which forecasts and evidences the current model will not sufficiently meet the needs of families in the future.
- 3.7. In 2020/2021 there was significant engagement with families to develop the Short Breaks Commissioning Strategy of which the SBCCA is one component. Over 400 families responded to consultation and 20 families took part in interviews. This work informed the strategy development which was finalised in October 2021.
- 3.8. Following the development of the strategy several workshops were held with families and a formal consultation, focused specifically on the SBCCA outcomes was undertaken. The Children with Disabilities (CWD) Consultation and Survey Key Findings Report can be found in Appendix 2.
- 3.9. The extensive engagement and consultation with families, combined with the data, enables us to understand the change and improvements needed for a high quality SBCCA offer to be procured. The following table sets out what is not working in the current offer, and how recommissioning presents an opportunity to create change that will bring improved outcomes for children and young people with SEND:

What families have told us is not working for them:	How the recommissioning of SBCCA will lead improvements
There is a perceived 'lottery' of current providers with some families reporting an excellent service and others finding it hard to access appropriate provision. This is particularly true when examining the geographic spread of current provision.	The procurement process should include quadrant-based lots to ensure that the offer is spread fairly across the county. It should also reflect needs and age, which will ensure that there is a clear offer for all identified cohorts in each quadrant.
Some young people are currently unable to access an offer that is age	The specification should include a focus on age to ensure that the offer is appropriate for all ages, in all

What families have told us is not working for them:	How the recommissioning of SBCCA will lead improvements
appropriate or must travel long distances to access it. .	quadrants. Cohorts have been identified through school census data and current Short Breaks registrations, and age forecasting suggests SBCCA registered club members will increase and age over the next 5 years. Providers must evidence through the procurement process how they will respond to changing demand based on age.
There is a significantly higher number of children with a learning disability and/or autism, than those with physical and sensory impairments but all children with SEND require access to SBCCAs. The current offer does not address the range and choice required by families. It is also limited in terms of the types of settings, and families have told they want to see more provision taking place in mainstream settings.	The procurement process should include needs-based lots to ensure that the offer includes a good choice and range for children and young people with differing needs. This should also ensure that where there are smaller cohorts, their needs remain addressed and are not 'lost' in a more generic procurement approach. In addition, an annual fund should be created from the Short Breaks budget to enable mainstream providers to be more inclusive, and to encourage all providers to make use of mainstream settings to deliver SBCCAs.
The current offer does not provide adequate informal educational opportunities to prepare young people for transitioning to adulthood, and specifically does not provide support for young people in identifying services appropriate for them once they turn 19 years old.	The new specification must ensure that 15–19-year-olds are able to access appropriate provision in relation to both independence skills development and in relation to social connectedness. As a clear growing cohort, providers must evidence how they will support older adolescents to plan for adulthood. Older adolescents will be able to access an appropriate offer in each of the quadrants.
Some families want to see the learning from the pandemic restrictions, which led to several providers offering online activities, be developed as part of the ongoing Short Breaks offer. Consultation showed that this offers some families a break from the 'mental load' of their additional caring responsibilities rather than a physical one, and that they, and their other children, could enjoy the positive activities. However, in the consultation 53% said they would not use this offer.	A virtual offer should be developed that is proportionate to the volume of families demanding it, and should be based on what families have told us they would use it for: - Peer support - Introduction to face-to-face activities or providers - Inclusive online gaming Rather than include this as a separate lot, this should be seen as a development opportunity to be undertaken with the families that will use it. Separating this element from the procurement will represent value for money as it will be directly targeted to the smaller number of families who require it.
Improved system navigation, information and guidance is required, with some families finding it hard to understand what their localised provision looks like.	The registration system is currently under review and will offer families more self-service abilities. The new offer will need to be well promoted, linked to the local offer and should include a regular newsletter. In addition, the website will be reviewed and made clearer, and will set out the offer by location and age. Providers must demonstrate that they will provide and update their information in good time to ensure a clear offer for families.
The current offer does not have a clear and consistent approach to supporting families more holistically, particularly in relation to support for siblings.	The specification will require potential providers to demonstrate how they will be more holistic in their approach to families. This should include peer support for parents/carers, activities that include siblings, or other forms of added social value.

3.10. The following headings set out three proposed model strands developed with families and in response to the formal consultation, with consideration having been given to the improvements set out in 3.9.

SBCCA Core Offer Procurement

3.11. An SBCCA core offer should be procured focused on responding to cohorts of children and young people with SEND based on age and primary SEND need which will address the fact that the age profile of those registered to Short Breaks is likely to both increase and change over the next 5 years.

3.12. Data research and family engagement identified several cohorts of children and young people for which the lots will be shaped. The three needs- based lots are:

- Children with a learning disability and/or autism (under 8 years and 8-15 years)
- Children with a physical or sensory impairment (under 8 years and 8-15 years)
- An older adolescents cohort (15-19 years)

3.13. The SBCCA core offer will respond to the high proportion of children and young people who have Learning Disability/Difficulty and/or Autism (LDA) as their primary SEND need, and lower number of children and young people who have Physical or Sensory Impairments (PSI) as their primary SEND need.

3.14. The SBCCA core offer will provide specific provision for older adolescents in every quadrant, who need age-appropriate activities, including independence skills development, and socialisation with peers. It also specifies a clear focus on transitions planning.

3.15. The three lots will be procured on a south, west, northeast and mid-quadrant basis and this will ensure a more consistent core offer across Essex.

3.16. The specification will encourage the use of community spaces, such as youth centres and leisure centres who have signified, they are open to working in partnership with SBCCA providers to share and adapt space.

3.17. A breakdown of funding, based on analysis of existing registered members and school census data is shown below.

	LDA	PSI	Older Adolescents	Total
North	£182,432	£33,466	£88,177	£304,075
Mid	£230,028	£42,171	£111,180	£383,379
South	£206,232	£37,809	£99,678	£343,719
West	£174,054	£31,992	£84,343	£290,389
Total	£792,746	£145,438	£383,378	£1,321,562

Inclusion & Innovation Grant

- 3.18. In addition to the main procurement, it's proposed that an annual micro grant opportunity should be made available to mainstream providers to improve inclusion in mainstream settings. This will ensure that there will be opportunities over and above the SBCCA core offer for children and young people to access. Young Commissioners will be at the centre of the design and decision making for the grant programme, decisions for which will be subject to separate governance.
- 3.19. The grant fund should be allocated from the SBCCA budget on an annual basis of £150,000 per annum, approximately 10% of the overall SBCCA budget, up to £750,000 over the full 5 years of delivery but to be reviewed after three years in conjunction with the Core SBCCA contracts.

Virtual Offer

- 3.20. During the pandemic many providers moved their offer online and feedback from the consultation evidenced that for some – but by no means all - families this offered a good option because their children were focussed on meaningful activity and they could enjoy that activity with them without the additional pressures of travel, or planning.
- 3.21. ECC also heard from families that other virtual support would be good such as peer support, introductions to activities, and specific online activities such as gaming.
- 3.22. A virtual offer will be designed with families so that it meets the needs and interests of children and young people and offers choice.
- 3.23. It is proposed that £20,000 annually is allocated from the SBCCA budget for three years to 2026, value £60,000 at which reviewed after three years in conjunction with the Core SBCCA contracts, potentially being extending for up to 5 years at a total value of £100,000. Details for the virtual offer will be developed and subject to separate governance.

4. Links to our strategic ambitions

- 4.1. This report links to the following aims in the Essex Vision

- Provide an equal foundation for every child
- Connect us to each other and the world

- 4.2. This report links to the following strategic priorities in the Organisational Plan

- Health wellbeing and independence for all ages
- A good place for children and families to grow

4.3. Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:

- Improving access to provision in terms of geographic spread, families will not be required to drive as far to access the offer.

5. Options

Option 1: (Recommended) - Commission the core SBCCA based on 3 lots across each of south, mid, north east and west quadrants. Set up an annual micro grants fund and commission a virtual offer

- 5.1. This option brings forth a myriad of benefits and has the best potential to address the improvements required (as set out in 3.9). It enables ECC to create a whole new provision that specifically responds to what families have mandated, whilst mitigating risks that arise from having a single or limited number of lead providers.

Benefits	Risks
Will meet the needs of the high proportion of children and young people with LDA balanced with the smaller proportion of children with PSI who require Short Breaks. Will meet the needs of children and young people in an age-appropriate way ensuring that provision on offer is designed and delivered accordingly, including supporting young people through transitions to adulthood.	Some families will be hesitant or resistant to change, particularly if a provider they currently access is not successful in their bid. This may be perceived that provision has been 'taken away'. This will be mitigated by regular clear communications, and a long mobilisation period to ensure providers and families are prepared for and supported through change.
The proposed approach has been developed and designed in consultation with families and will meet the expectations and needs of the majority of children and young people.	Smaller providers struggle to engage with the tender. Bid writing support is being offered to providers so they are supported to engage with the procurement.
The model has been designed to address the need for a core commissioned offer whereby the specification enables a versatile approach that can adapt to changing or emerging needs.	There is a risk that the geographic spread of providers does not reach across Essex equitably. Mitigations to this risk include working with mainstream providers, such as leisure centre operators and youth services to take part in market engagement, encouraging specialist and mainstream settings to lean on resources they have access to.
There will be more suitable provision available that is more local to families and in accessible locations meaning less travel for many of them.	The contractor for each lot might choose to sub-contract some of its provision, which can present a level of risk. The risk has been mitigated through the procurement design so that it is less likely for this to be a mandated requirement but allows room for partnership working where appropriate.

Smaller, more niche organisations will be able to apply as sole providers or in partnership with other organisations.	
This option potentially presents better value for money than other options as a result of there being no additional layer of management required.	

Option 2: (Not Recommended) Commission the core SBBC offer based on a single provider for each quadrant

- 5.2. This procurement option would be based on 4 individual contracts based on quadrants with providers responding to all cohorts in their applications.
- 5.3. This option could potentially lead to higher levels of risk related to potential lead provider failure, as it is highly likely that lead providers would require multiple subcontracts.
- 5.4. This option could – by way of a single provider being successful in their application to all four lots – effectively become Option 3. This compounds the risk of potential lead provider failure.
- 5.5. It does not prioritise age and needs based lots, which have been evidenced to be of high priority to families and does not address the anticipated increasing and changing demand pressures.
- 5.6. Ultimately this option will not create the change required to meet the needs of as many families as possible, and to bring in the improvements required as evidenced through consultation and data analysis.

Benefits	Risks
All elements of change required would be addressed within the procurement, although not necessarily responded to by the market.	This option could lead to some cohorts of children and young people with SEND being favoured over others, and not deliver the change required.
Streamlined commissioning and contract management benefits and potential economies of scale.	It is unlikely that one single provider per quadrant would be able to deliver all the requirements which would mean sub-contracting arrangements would need to be put in place. Although the council would have to agree those arrangements and give approval to those arrangements.
	This option presents a risk that fewer of the current providers could engage with the procurement. ECC could encourage partnership working but that could not be guaranteed.

Option 3: Commission the SBCCA offer using a single Lead Provider and sub-contractor model by quadrant or county wide (Not Recommended)

- 5.7. This option builds from previous experience of using a lead provider model. Initially the model was designed to encourage development by the lead provider of smaller providers across Essex. Whilst it offered some success, it resulted in an inequitable offer led by services rather than service user needs.
- 5.8. The lead provider model presents a risk in the event the lead provider ceases to be able to deliver services and all subcontracted providers have to be managed by the local authority.
- 5.9. This option is not recommended due to the evidenced previous provider failure risks and that no one provider can deliver all the desired lots.
- 5.10. Children and young people with SEND, their families and other stakeholders have been generous with their time, efforts and engagements. If ECC fails to respond to the learning by effectively maintaining the status quo, it could harm ECCs reputation and introduce risk to future engagement efforts.
- 5.11. Ultimately this option will not create the change required to meet the needs of as many families as possible, and to bring in the improvements required as evidenced through consultation and data analysis.

Benefits	Risks
This option streamlines contract management by devolving the management who in turn contracts organisations to deliver the desired model. This lessens the burdens on the local authority to manage the contract.	This option does not guarantee the desired change would be achieved of the specific needs of cohorts delivered.
	This option has several risks associated with it, including an unnecessary added layer of management and accountability.
	A single lead provider model overburdens the budget with non-direct delivery, for example, management costs. When demand is evidenced to be increasing, direct delivery should be prioritised to maximise the reach of the work. This option does not present value for money.
	A single lead provider model presents risk that all subcontracts could be returned to the council if the single lead provider fails as happened previously. This puts delivery of our statutory duties at higher risk.

6. Issues for consideration

Financial implications

- 6.1. The annual budget included in the Medium-Term Resource Strategy for SBCCA is £1.492m from 2022/23 though to 2025/26.

- 6.2. As per Option 1 (recommended) the budget for SBCCA will be apportioned as set out in the table below:

				2 Year extension (optional)		
	2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	Total £000
SBCCA Core Offer	1,322	1,322	1,322	1,322	1,322	6,610
Inclusion and Innovation Grant	150	150	150	150	150	750
Virtual Offer	20	20	20	20	20	100
Total	1,492	1,492	1,492	1,492	1,492	7,460
Budget	1,492	1,492	1,492	<i>tbc</i>	<i>tbc</i>	<i>tbc</i>

Financial Risk

- 6.3 The volume of families registered across all Essex Short Breaks provisions is 4,409 (March 2022) of which 1,668 access SBCCA. This is an increase of approximately 29% since Summer 2021 where 3,933 families were registered to all short Breaks provision. Demand for SBCCA is expected to increase further, potentially leading to existing budget provision not fully meeting demand. However, the risk is mitigated through a collaborative approach to working with providers to encourage them to flex provision and implementation of a virtual offer and the use of the Inclusion and Innovation grants to increase the scope and accessibility of the service.

7. Legal implications

- 7.1 The proposals are a way of meeting statutory need in a way that is procured lawfully. Commissioners believe that the re-procured service will better meet the needs of service users.
- 7.2 The proposed grants programme needs to be properly managed and subject to appropriate controls to ensure value for money is delivered.

8. Equality and Diversity Considerations

- 8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 8.2 The equality impact assessment indicates that the recommended proposal in this report will not have a disproportionately adverse impact on any people with a particular characteristic.
- 8.3 In fact, the recommended proposal offers several benefits to children and young people with SEND and includes ongoing collaboration with children and young people with SEND in order to ensure the offer remains fit for purpose for the next 5 years.
- 8.4 It also prioritises the development of inclusive activities in mainstream settings, and therefore works towards a more equitable offer for children and young people with SEND across the county.

9. List of Appendices

1. Equality Impact Assessment
2. Children with Disabilities (CWD) Consultation and Survey Key Findings Report

10. List of Background papers

1. Short Breaks Commissioning Strategy
2. Children and Young Peoples Plan
3. SEND Strategy
4. Sufficiency Strategy