

Committee/Meeting: Cabinet	Date: 7 April 2010	Classification: Unrestricted	Report No: CAB 141/090
Report of: Corporate Director of Children, Schools & Families Originating officer(s) Head of Strategy, Partnerships & Performance		Title: Children, Schools & Families Contracts Wards Affected: All	

Lead Member	Councillor Adbul Asad (Children Schools & Families)
Community Plan Theme	<ul style="list-style-type: none"> • A great place to live • A prosperous community
Strategic Priority	<ul style="list-style-type: none"> • Strengthening and connecting communities • Supporting excellent learning opportunities for all' themes

1. **SUMMARY**

- 1.1 This report seeks permission for the Corporate Director of Children, Schools & Families to enter into post-tender negotiations with the QALB Discovery Home for the delivery of services to disabled children and subject to the successful conclusion of those negotiations to enter into the appropriate contractual agreements from 1 July 2010-31 March 2011 for Overnight Short Breaks.
- 1.2 Should funding be made available beyond 2011 to continue the service we would like the option to extend the contract for a further 6 months to a year to allow us sufficient time to re-tender the contract.

2. **DECISIONS REQUIRED**

Cabinet is recommended to:-

- 2.1 Authorise the Corporate Director of Children, Schools and Families to undertake contract negotiations with QALB Discovery Home for the delivery of the service and to enter into contracts for these services on behalf of the Authority as below.

Provider	Service Provision	Ofsted Inspection Grade	Contract Value	Contract period
QALB Discovery Home	Overnight short breaks for disabled children	Good	£459,000	1 July 2010 - 31 March 2011

2.2 Authorise the Corporate Director of Children, Schools and Families to use delegated powers to extend the funding up to March 2012, subject to satisfactory performance of the provider, and funding being available.

3. REASONS FOR THE DECISIONS

3.1 The service will address local need as parents of disabled children were consulted. This process identified a gap in provision for disabled children whose behaviour is extremely challenging. We already provide short breaks of various kinds to disabled children, but we have limited provision for children with higher need Autistic Spectrum Disorders. This service will allow us to provide overnight short breaks for children with severe communication disorders. The service will give families the much-needed respite, and will also include independence skills training for the children aged eight and over who will have the break. Research has shown that short breaks can be important in helping families to manage to keep going, thus avoiding disabled children from entering the care system.

3.2 The service is being funded through central Government grant which runs out in April 2011 so it is important that we get a provider in place quickly, in order to make best use of the money. A robust tendering process has been carried out in order to select the best provider to deliver the services. The provider has been evaluated on key criteria to assess the skills, knowledge and experience, quality of care and service management, service price and capacity of the organisation to deliver the services. Value for money was also a key judgment consideration.

3.3 Addressing equalities is a key issue; therefore a section on equality and diversity formed part of the tender criteria. All providers were asked to address the following:

- How they would support and promote parity of outcomes for the service users and ensure that any language barriers were addressed;
- How they would engage with the families of disabled children to ensure their children accessed the service.
- Demonstrate their commitment to equality and diversity, including how they would promote a workforce to reflect the local community.

3.4 A number of providers submitted their tenders and a robust tender evaluation service took place. One provider, QALB Discovery Home was successful in the evaluation exercise.

3.5 The service will address the following Council's priorities:

- Strengthening and connecting communities by ensuring they have good access to a full range of facilities - including health services, schools and leisure

- Supporting excellent learning opportunities for all by providing continuous learning opportunities, so everyone can learn basic and new skills at any age.

3.6 We have invested in the capital scheme and would hope to continue the service beyond 2011 to allow the benefits of the service to be realised. However, we will not be notified of the funding until later on in 2010.

3.7 The effectiveness of the services will be measured through quarterly monitoring to evaluate the organisations' performance against key performance indicators to ensure they are meeting their contractual requirements. In addition, the organisations will be subject to quarterly service review meetings with Tower Hamlets service managers and commissioning officers. Additionally, the services are subject to annual inspections by Ofsted to ensure they are delivering to the expected standards.

4. ALTERNATIVE OPTIONS

4.1 Alternative courses of action are not considered viable. If the Council chose not to procure these services it would risk not complying with its statutory functions as set out in the report. If the Council procured otherwise than through the process described in the report it would risk failing to comply with its procurement procedures and Regulations.

5. BACKGROUND

5.1 In 2007 the DCFS published a policy document 'Aiming High for Disabled Children' which is the government's transformation programme for disabled children's services. This set out its vision for disabled children. Local authorities were expected to deliver services to disabled children and their families, based on the key priorities outlined in the report, to enable them to fulfil their potential.

5.2 Tower Hamlets has made good progress in transforming services for disabled children and their families and delivering on the recommendations set out in the Government report 'Aiming high for Disabled Children'. In order to build on this work we developed a Short Break Strategy in consultation with parents and disabled children. The strategy was intended to help to transform the short break services in Tower Hamlets, enabling us to improve the capacity, range and quality of services available for children with disabilities and complex health needs.

6. BODY OF REPORT

3.1 Tower Hamlets was awarded capital funding of £349,600 and revenue funding of £1,127,600 to provide short breaks to children, young people and

families as part of the Aiming High for Disabled Children (AHDC). LBTH is currently delivering a portfolio of short break projects to disabled children. AHDC funding comes to an end in March 2011, when any unspent monies will be clawed back.

- 3.2 Capital funding of £412.2k has already been committed to renovating a Council property. The building work is expected to be completed by June 2010. It is intended that the property will be used to deliver the overnight short breaks.
- 3.3 The service will address the Council's statutory responsibility for the provision of services to children in need and their families and the Children and Young Person's Act 2008. It also fits with the Community Plan theme 'A Healthy Community'.
- 3.4 19 children currently receive a regular weekend overnight short break with a contracted residential care provider. The provider primarily caters for children with complex needs however they cater for children with ASD one weekend in four. 6 children with ASD receive overnight short breaks through spot purchasing with a provider that is outside the borough.
- 3.5 Findings from the Short Break consultation with families of disabled children highlighted that some parents felt that there was a need for local overnight specialist respite provision that catered for children with ASD and challenging behaviour; as the current provision did not meet the higher needs of children in this category. The new provision would be a complimentary addition to the existing provision. It is likely to replace some of the spot-purchased provision; however the main intention is to provide additional capacity focused on a group of children who currently can't benefit from short breaks because of their particular needs.
- 3.6 Some parents of children with Autistic Spectrum Disorders (ASD) or challenging behaviour may 'reach the end of their tether', due to a lack of short break provision to sustain their caring role. As a last resort, they may request help in the form of residential care away from home, when they feel unable to cope. Additionally, siblings may feel their needs are not met by their parents due to the additional demands on their parents. The parents have to spend more time focusing on the disabled child due to their additional communication needs. The provision of overnight short breaks will enable both the children and families to receive short breaks. It may also enable the parents/carers to spend quality time with their other children. The service for which we are tendering will also provide independence skills training for the children while they are having their break, helping them develop skills for the necessary confidence and skills they will need as they grow up – for example, they may be taught to cook meals and to contribute to the domestic chores.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 The tendering evaluation process will determine the preferred contractor to provide these services. Funding for this contract is to be met from a DCSF grant for short breaks which has a total of £1.127m revenue funding for 2010/11 financial year. The proposed maximum cost of £0.600m for this contract would be met from this source.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1 The Council is subject to a general duty under section 17 of the Children Act 1989 to safeguard and promote the welfare of children in Tower Hamlets and to promote the well-being of children in Tower Hamlets by providing a range of services appropriate to their needs. In addition, the Council is subject to specific duties under the Children Act 1989, which following amendments made by the Children and Young Persons Act 2008 include the function of assisting individuals who provide care for children with disabilities to continue to provide such care or to do so more effectively by giving them breaks from caring. It is consistent with the discharge of this function for the Council to enter into a contract of the kind proposed in this report.
- 8.2 In procuring the overnight break provision referred to in the report, the Council must comply with its own procurement procedures and the requirements of the Public Contract Regulations 2006. It will be for officers to ensure that this is done. There has been no publication of an OJEU notice in respect of the procurement, but this is because the view has been taken that the services to be procured are "Part B" services under the Public Contract Regulations 2006 and do not require such a notice.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The overnight short break service targets specific groups, who are recognised as being at risk of experiencing inequality and social exclusion. These groups have been identified through a thorough analysis of statistical data and feedback as part of a comprehensive needs analysis. The services have been commissioned with the aim that the support provided assists with improving outcomes for these groups of children, young people and families.
- 9.2 Support services for children in need and their families, promotes the welfare of children and the effective functioning of families within the community. As such, they are a key element in progressing the social inclusion policies of both central government and the Council.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no specific issues arising from this report.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 Detailed service specifications will be negotiated and appropriate monitoring arrangements maintained to minimise risk of underperformance of these services. Service agreements contain appropriate dispute, clawback, liability and termination clauses.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no crime and disorder implications.

13. EFFICIENCY STATEMENT

- 13.1 Through the tender for services for children with disabilities we have been able to increase the number of children, young people and families who will benefit from these services, which will be delivered within a reduced funding envelope.

14. APPENDICES

Appendix 1 – Aiming High for Disabled Children Consultation

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”

None

To be completed by author

To be completed by author ext. 0287