



**CABINET**

**16 JANUARY 2018**

**DIRECTOR OF CHILDREN, FAMILIES AND EDUCATION: LESLEY HAGGER**

**CABINET MEMBER WITH RESPONSIBILITY FOR CHILDREN’S SERVICES:  
COUNCILLOR MATT GOLBY**

Subject:	Commissioned services for children with Special Educational Needs and Disabilities (SEND), including short breaks and respite provision.
Recommendations:	<p>Cabinet are asked:</p> <ol style="list-style-type: none"> <li>1. To note the consultation process and its outcomes.</li> <li>2. To approve the proposed model for retendering of services for children with Special Educational Needs and Disabilities (SEND), including short breaks and respite provision.</li> <li>3. To approve delegated authority for the Director for Children, Families and Education, in consultation with the Cabinet Member with responsibility for Children’s Services to award the contract/s based on a transparent and fair competitive process.</li> </ol>

**1. Purpose of report**

1.1 This report sets out:

- 1.1.1 The main findings from the 6-week consultation on the provision of short breaks and associated services for children and families of children with Special Educational Needs and Disabilities (SEND);
- 1.1.2 Proposed models and principles of delivery for the future; and
- 1.1.3 Plans for re-commissioning of services.

**2. How this decision contributes to the Council plan**

The Council’s vision is to make Northamptonshire a great place to live and work. This is achieved through increasing the wellbeing of your county’s communities and/or safeguarding the county’s communities.

This initiative specifically delivers increased wellbeing and safeguarding by ensuring that:
<ul style="list-style-type: none"> <li>• People of all ages are safe, protected from harm and able to live happy, healthy and independent lives in our communities.</li> <li>• People have the information and support they need to make healthy choices and achieve wellbeing.</li> <li>• Resources are utilised effectively and efficiently, in coordination with partners and providers.</li> </ul>

### **3. Background**

- 3.1 Short breaks are part of a continuum of services which support children in need and their families. They include the provision of day, evening, overnight and weekend activities for the child or young person, and can take place in the child's own home, the home of an approved carer, or in a residential or community setting.<sup>1</sup>
- 3.2 Short breaks for disabled children are now well recognised to be a vital service which help families with disabled children to lead ordinary lives. The importance of short breaks was reflected first through significant investment under the Aiming High for Disabled Children programme and then through the introduction of new legislation, in particular the Breaks for Carers of Disabled Children Regulations 2011.
- 3.3 The Local Authority has a vital role in ensuring that sufficient and appropriate short breaks are commissioned in their local area. This includes the decision as to the funding the local authority chooses to allocate to short breaks each year and how these services will be delivered.<sup>2</sup>
- 3.4 The CCG has responsibility for commissioning the health component for those children and young people in receipt of Continuing Care packages and who have had a need for a short break identified.
- 3.5 As set out in the report to Cabinet in October 2017, the previous commissioning arrangement between the Local Authority and the CCG was set out in the Section 75 Agreement. This was terminated by the CCG with effect from April 2017. The CCG has indicated the budget available for 2018/19 and this has been taken into account in the proposals set out in this Cabinet report.
- 3.6 It is essential and legislatively expected that Local Authorities adopt a participatory approach to commissioning decisions in relation to short breaks, involving children, young people and families at every stage in the decision.
- 3.7 Accordingly, this report summarises the consultation activity, the results of that consultation and outlines proposals for future delivery based on the feedback and key themes from that consultation.

### **4. Consultation and Scrutiny**

- 4.1 The Short Breaks consultation ran from 26<sup>th</sup> October to 6<sup>th</sup> December and nearly 900 people got involved to give us their views.
- 4.2 Two surveys collected views from children, young people, parents, carers and professionals in which over 700 individuals took part.
- 4.3 350 children and young people completed the children's survey that was designed by young people from the Shooting Stars group; and 392 adults

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<sup>1</sup> See DCSF, Short Breaks: Statutory Guidance on how to safeguard and promote the welfare of disabled children using short breaks, April 2010 at paragraph 2.1.

<sup>2</sup> This funding may be specifically allocated to short breaks or may form part of an overall budget for disabled children's services.

(including parents, carers and professionals) completed the parents and carers online questionnaire.

4.4 We ran 10 consultation meetings around the county, which were attended by 150 individuals.

4.5 Additionally we visited 15 clubs and activities for children and young people and 14 events for parents to promote the consultation.

4.6 Several other surveys were set up and run by partners, including the Northants Parents Forum Group, Scope Sleep Solutions and Billing Brook School. This information has also been included in the overall consultation report.

4.7 Overwhelmingly the consultation highlighted:

4.7.1 The significance of short breaks to so many families;

4.7.2 The lifeline that these services offer; and

4.7.3 The importance of short breaks in that they do not just provide respite, but enhance and maintain healthy family dynamics; they contribute to the emotional and social growth of disabled child and underpin the wellbeing of non-disabled siblings.

*"Without it I would be in crisis and no longer able to care for my daughter."*

*"It is our lifeline - we would not survive as a family without this crucial service."*

*"Without this support I would not be able to keep my son in the home environment as he is far too challenging. This is the only break I get from him as a single parent with no family support; I simply could not manage without..."*

*"Having time freed up from caring for our disabled child, enables us to spend quality time with our other children and also enables us as parents to have time for each other. This sustains and enables us to continue to care in the long run."*

*"We need a break from our parents as much as they need a break from us!"*

4.8 **Key principles** identified in the consultation included:

4.8.1 That information on what is available needs to be easily accessible;

4.8.2 That assessment of the whole family as well as the needs of the child/ren is really important in getting the right package of support;

4.8.3 Locally available provision is important to reduce travelling for families and maximise the short breaks that these services provide;

- 4.8.4 Appropriately skilled staff are an essential part of the short breaks offer;
- 4.8.5 Ensuring that venues are suitable and have the required equipment to deliver short breaks is essential; and that,
- 4.8.6 Responding to a range of needs, including complex medical needs, is imperative.

4.9 **Key themes** identified in the consultation included:

- 4.9.1 How highly valued residential short breaks are by families across the county;
- 4.9.2 That short breaks are used to not only give parents and young people a break from each other, but also to provide an opportunity for children and young people to socialise with peers and prevent isolation.
- 4.9.3 That there is a lack of consistency in terms of the quality of non-residential short breaks across the county;
- 4.9.4 There is not enough support to enable disabled children to benefit and take part in mainstream clubs and activities;
- 4.9.5 There are gaps in provision in different areas of the county, mainly with regards to the non-residential short breaks offer;
- 4.9.6 Non-residential short breaks for children with Profound and Multiple Learning Difficulties (PMLD) are considered insufficient and often these activities are not able to respond to the most complex needs;
- 4.9.7 In particular short breaks provision often does not meet the medical needs of children; and providers do not have the equipment needed for some of our most physically disabled children.
- 4.9.8 Frequently parents feel that staff employed do not have the skills to work with the most complex children (particularly those with complex medical needs).
- 4.9.9 Parents reported having to stay at the clubs with child/ren when non-residential short breaks staff were not able to or willing to respond to all of the individual needs of their child.
- 4.9.10 Providers also fed back that they can struggle with staff turnover and being able to recruit staff with sufficient expertise.
- 4.9.11 Feedback suggests that there is not enough provision in the holidays and that the all-day sessions that are on offer are not long enough to enable decent short breaks or allow for parents to work.
- 4.9.12 Whilst Personal Budgets are thought to be useful by parents, overwhelmingly they also pose significant challenge to parents, particularly in finding and securing appropriately trained Personal Assistants for minimum wage.
- 4.9.13 Some providers are very successfully supplementing their income from NCC and parental contribution by applying for additional charitable funding.
- 4.9.14 Parents advised us that financial contribution to clubs and activities varies depending on the area and the provider.

- 4.9.15 Some families reported the value of “Family Link” but some pointed out that processes at the Council make it hard to be a Family Link foster carer (timing of payments, red tape etc).<sup>3</sup>
- 4.9.16 Also some parents noted that Family Link carers were often not ready for complexity of their child, either due to the Social Worker not being clear and transparent with the foster carers or in terms of expertise of carer.

*“It is difficult to send children to clubs where staff are not trained to meet their medical needs.”*

*“There are no Saturday clubs for me. There is nothing to do during the school summer holidays. I need support with me all the time (1-1 for medical reasons) so Mummy always has to stay with me. I am bored of mummy all the time.”*

- 4.10 The full consultation report will be available online on the Local Offer website from 15<sup>th</sup> January 2018:  
<http://www3.northamptonshire.gov.uk/councilservices/children-families-education/SEND/local-offer>

## **5. Proposals for Future Delivery**

- 5.1 At the Cabinet meeting in November 2017, the new SEND strategy was presented and agreed.
- 5.2 In keeping with the SEND strategy, the following key principles have been used to guide the development of the new proposals for delivery of short breaks in Northamptonshire:
- 5.2.1 **Early Support and Intervention** – Early help and support through a high quality graduated response to prevent difficulties becoming entrenched.
- 5.2.2 **Inclusion** – The majority of children and young people with SEND will attend mainstream settings with support from specialist providers.
- 5.2.3 **Appropriately Trained Workforce** – The workforce across service is confident and competent to identify and meet the needs of children and young people with SEND.

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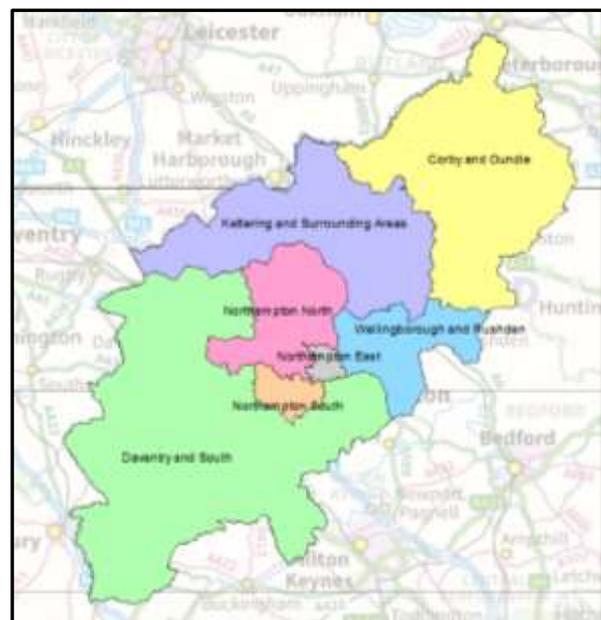
<sup>3</sup> Family Link carers provide short breaks for disabled children in the carer’s home for anything from a few hours at a time, to a few days a month depending on the child’s needs. See <http://www3.northamptonshire.gov.uk/councilservices/children-families-education/adoption-fostering/Pages/family-link.aspx>

- 5.2.4 **Localisation** – Children and young people should be educated as close to their home as possible to support meaningful engagement in their community;
- 5.2.5 **Personalisation** – A personalised approach leading to greater choice and control for families, valuing unique circumstances.
- 5.2.6 **Partnership** – Integration, joint commissioning and co-ordination of approaches to deliver better outcomes for children and young people with SEND.
- 5.3 In response to these principles, and to the needs identified during the short breaks consultation, the following recommendations are proposed including both procurement and grant activities:
- 5.3.1 In order to deliver the “inclusion” principle set out in the recent SEND strategy, it is recommended that the financial envelope for funding for mainstream and universal settings is increased to enable individual additional support to be purchased. This funding will be re-branded as “SEND Support in Universal and Mainstream Settings” (SSUMS) and the funding increased three-fold. This will build on previous funding utilised to deliver Additional Needs in Out of School Settings (ANOOS); and will be run alongside Early Years Inclusion Fund re-development to maximise opportunities for disabled children to enjoy activities alongside non-disabled peers.
- 5.3.2 In order to support smaller Voluntary and Community Sector organisations and community and parent groups, it is recommended that an “Innovation” fund be opened annually to deliver time limited and bespoke activities. This will build on the “Summer Placements” scheme that NCC have previously run and encourage bids for activities to be provided throughout the year.
- 5.3.3 A Grant Finder and Brokerage role will be established to support the Voluntary and Community Sector to apply for charitable funding streams and build capacity and further opportunities within the short breaks delivery in the county.
- 5.3.4 This role will also explore the potential to set up a discount card initiative that would be open to all families with SEND and offer discounts across a range of universal activities available throughout the county.
- 5.3.5 It is also proposed that additional funding is provided to the current Young Carers contract to specifically support siblings of children with SEND, and use economies of scale within this contract to maximise support and networking opportunities for siblings. The Young Carers tender will go live shortly.
- 5.3.6 To respond to feedback regarding Family Link and respite in carers’ homes it is recommended that the Family Link offer is extended along with improved associated processes.
- 5.3.7 It is also recommended that a framework is set up to support and facilitate parents who are purchasing services using a Direct Payment to maximise the use of personal budgets from both the County Council and Health.
- 5.4 It is proposed that 4 specific contracting opportunities are advertised for the delivery of short breaks. These are:
- 5.4.1 A countywide contract for sleep services;

- 5.4.2 A countywide contract to provide support for families with a range of SEND, including ASD, ADHD and sensory impairment;
- 5.4.3 Five localised contracts for targeted and specialist non-residential short breaks for disabled children. These contracts will seek to respond to the presenting needs in each geographical location.
- 5.4.4 Five localised contracts for provision of residential short breaks for disabled children. The contracts will need to provide breaks in a specialist environment, provided by skilled staff or a nurse. Children and young people attending the service may have a dual diagnosis, such as Autism and Attention Deficit / Hyperactivity Disorder (ADHD), or a child with physical disabilities who also may have a related severe learning or multiple disability. The service will also need to provide a service for children and young people who have severe learning disabilities, who may have complex behaviours directly associated with their severe learning disability and who need to receive short breaks within a highly structured and safe environment.
- 5.4.5 These contracts will also need to provide non-residential activities for children and young people with PMLD. They will be designed to maximise use of facilities and staffing to ensure that the PMLD non-residential breaks are able to respond to the most complex needs and health requirements. In addition we hope to maximise residential provision (and the numbers who can access it) by ensuring that there is safe clinical oversight and care planning for all children including those with complex health and continuing care needs. This will de-medicalise the model and deliver a safe and suitable environment for each child or young person with access to fun and meaningful activities, opportunities of friendship and peer support and help to move towards increased independence.
- 5.4.6 There are 2 NCC owned buildings associated with current delivery of the residential short breaks (John Greenwood Shipman and 82 Northampton Road). Further discussions will be taking place to see how these properties and other assets might be utilised as part of future delivery.

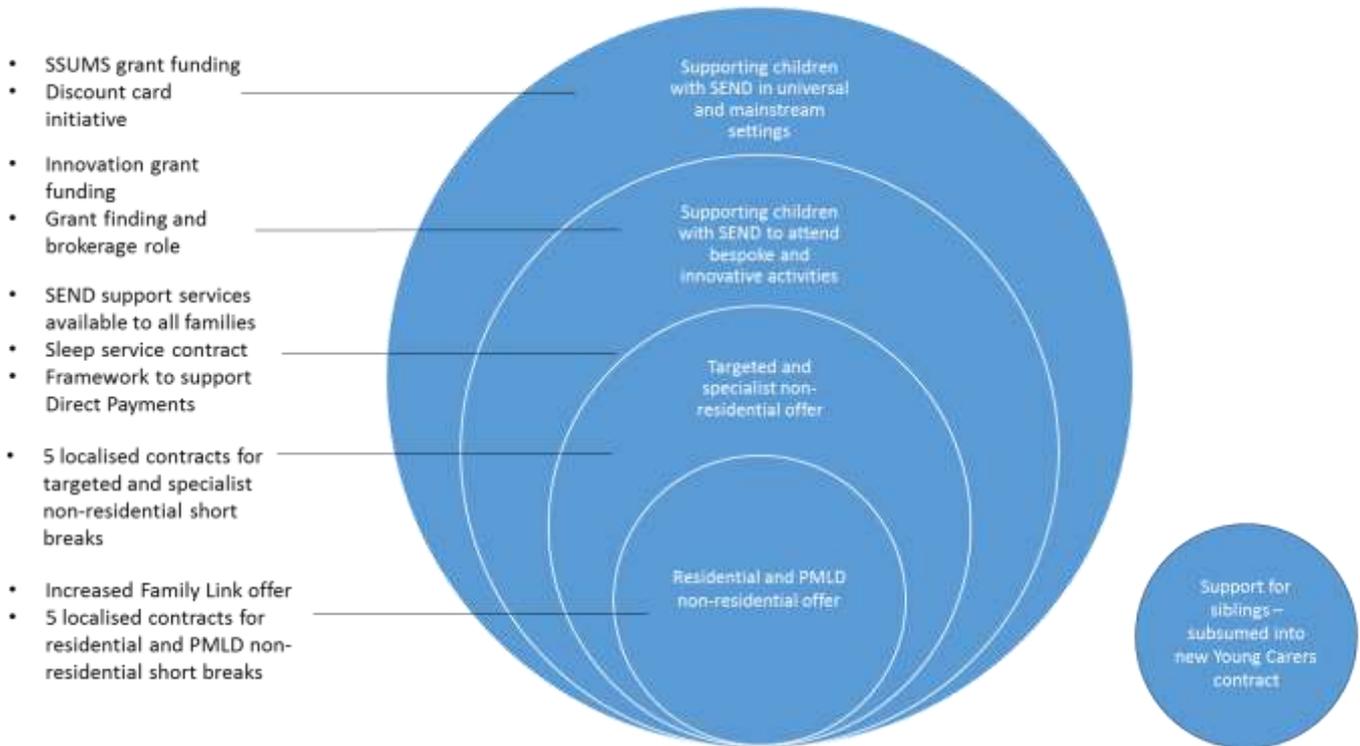
5.5 Geographical areas are as follows:

- 5.5.1 Corby and Oundle;
- 5.5.2 Kettering and surrounding areas;
- 5.5.3 Wellingborough and Rushden;
- 5.5.4 Northampton;
- 5.5.5 Daventry and South.



## 6. Summary of Proposed Changes

6.1 The diagram below sets out the new proposed model:



6.2 The following table sets out the changes being proposed for future delivery compared to how services are delivered now.

6.3 Please note that all budgets described below include NCC funding only (footnotes separately indicate where reduced CCG budgets will impact services).



<b>Activity / Service</b>	<b>Current Budget (per annum)</b>	<b>Proposal</b>	<b>Proposed Budget (per annum)</b>
<b>CONTRACTS</b>			
Support Services for SEND	£0.078m	New countywide contract	£0.105m
Support for the visually impaired	£0.042m		
Support for the audio impaired	£0.068m <sup>4</sup>		
Sleep service	£0.068m <sup>4</sup>	New countywide contract	£0.07m
Support for siblings of children with SEND	£0.028m	Add function into new countywide Young Carers contract	£0.025m
Pan-disability short breaks (non-res)	£0.159m	Bring contracts together and advertise tender in 5 geographical lots	£0.32m
Specialist short breaks (non-res)	£0.238m		
PMLD short breaks (non-res)	£0.168m	Bring contracts together and advertise tender in 5 geographical lots	£1.425m (£1.725m with CCG funding)
Residential short breaks	£1.322m <sup>5</sup>		
<b>GRANTS</b>			
Funding for additional support in mainstream settings	£0.03m	Extend existing grant scheme	£0.1m
One-off and bespoke "innovation" grants for short breaks	Circa £0.05m	Extend existing grant scheme	£0.1m
	<b>£2.183m</b>		<b>£2.145m<sup>6</sup></b>
<b>OTHER</b>			
<ul style="list-style-type: none"> <li>• Introduce grant finder and broker role to work countywide with voluntary sector, parents and communities (circa £0.035m p.a.)</li> <li>• Introduce framework to facilitate purchases via Direct Payment</li> <li>• Increase and improve Family Link provision and processes</li> <li>• Introduce discount card / scheme for families with SEND</li> </ul>			

<sup>4</sup> In previous years the CCG has contributed £0.075m per annum to this contract. For 2017-18 this contribution has not been received, so it has been excluded from the figures in this table.

<sup>5</sup> The CCG has offered an interim proposal of £0.3m per annum from 1<sup>st</sup> August 2018 for residential short breaks.

<sup>6</sup> With the grant finder and brokerage role below, total NCC investment remains the same as the current NCC budget.



## 7. Commissioning Intentions and Timescales

7.1 Whilst mobilisation of non-tendered activity will need to be factored in, the following timelines for procurement are proposed:

Activity	Start date	End date
Tender documentation development for short breaks	11 December 2017	29 January 2018
Short breaks tenders live	7 February 2018	14 March 2018
Evaluation and moderation for short breaks tenders	15 March 2018	12 April 2018
Award and contract mobilisation	13 April 2018	31 July 2018
Contract commencement	1 August 2018	

7.2 This timeline for the procurement of services will apply to the following tenders:

7.2.1 Support service for SEND (countywide)

7.2.2 Sleep service (countywide)

7.2.3 Targeted and specialist non-residential short breaks – lot 1

7.2.4 Targeted and specialist non-residential short breaks – lot 2

7.2.5 Targeted and specialist non-residential short breaks – lot 3

7.2.6 Targeted and specialist non-residential short breaks – lot 4

7.2.7 Targeted and specialist non-residential short breaks – lot 5

7.2.8 Residential short breaks and PMLD non-residential activities – lot 1

7.2.9 Residential short breaks and PMLD non-residential activities – lot 2

7.2.10 Residential short breaks and PMLD non-residential activities – lot 3

7.2.11 Residential short breaks and PMLD non-residential activities – lot 4

7.2.12 Residential short breaks and PMLD non-residential activities – lot 5

7.3 The proposal is for new contracts to run for 3 years with an option to extend for one further period of a year.

7.4 A Prior Information Notice (PIN) will be published alongside a market engagement document that seeks feedback from potential providers/bidders on the proposed structure of the tenders and corresponding contracts.

7.5 This will give us an opportunity to engage with providers prior to the tenders going live, to test the market and to gain feedback on the proposed model of delivery.

- 7.6 We are also engaging with special schools in the county to see how we can work more closely together and use existing county assets and expertise.
- 7.7 Additionally we plan to engage with parents and partners further to finalise the local models and specifications; and we will be recruiting parent representatives and young people to get involved in the evaluation of bids.

## **8. Equality Screening**

- 8.1 It is recognised that this work will have a significant impact on children and families, and in particular with regards to children with SEND and their families.
- 8.2 The Equality Impact Assessment has identified potential impact for children and young people of varying ages, with disabilities, with regards to human rights and in relation to other groups such as rural and social isolation.
- 8.3 Positive impact is predicted across a number of protected characteristics including sex, age, disability, race and ethnicity due to the range of activities that will be sought in re-commissioning that will hopefully suit individuals in each local area.
- 8.4 In addition there are positive implications across human rights, rural isolation and deprivation rising from understanding presenting needs across the county in a more robust way; and therefore being able to represent this in the tenders as we implement the proposals.
- 8.5 These implications are set out in more detail in the Equality Impact Assessment which can be found here:  
[http://www3.northamptonshire.gov.uk/councilservices/council-and-democracy/equalities/equality-impact-assessments-eqias/Pages/children,-families-and-education-equality-impact-assessments-\(eqias\).aspx](http://www3.northamptonshire.gov.uk/councilservices/council-and-democracy/equalities/equality-impact-assessments-eqias/Pages/children,-families-and-education-equality-impact-assessments-(eqias).aspx).

## **9. Alternative Options Considered**

- 9.1 Other options that have been considered are as follows:
- 9.1.1 To extend and continue with current provision in its existing format.
- 9.1.1.1 This has been deemed inappropriate in part due to the financial deficit that this course of action represents since the withdrawal of funding by the CCGs, but more importantly it is steered by a need to ensure that services meet the future needs of children and families.
- 9.1.1.2 It is worth noting that many of the non-residential contracts have been extended previously, through exemption, to allow for a more joined up re-commissioning activity to take place across the spectrum of services. As a result these need to be re-commissioned to maintain a transparent purchasing approach.
- 9.1.1.3 Additionally, to continue with the current model of delivery with less funding from the CCGs would essentially mean a reduction in service, which are keen to avoid as much as possible.
- 9.1.2 To reduce the Council's budget for short breaks.
- 9.1.2.1 Feedback received through the consultation shows just how essential these services are. Any substantial reduction in services could mean that

more families are in crisis, that more families are unable to cope and that more children need to be taken into care.

## **10. Financial Implications**

- 10.1 As part of its Short Breaks offer, Northamptonshire County Council with Nene and Corby Clinical Commissioning Groups has jointly commissioned NHFT to operate the Residential Short Break Service. The contract runs for a 5 year term to the end of July 2018 with an option to extend for up to 2 years and costs nearly £2.7m per annum.
- 10.2 The County Council 2017/18 budget for Short Breaks provided sufficient funding to allow the contract to be continued but on 1st October 2016 the Clinical Commissioning Groups gave notice of their intention to withdraw funding for this contract after 31st March 2017.
- 10.3 As contract holder for this joint commission, this has represented a loss of income for NCC of £1.168m from Nene CCG and £0.135m from Corby CCG; a shortfall of £1.303m or 49% of the total contract value for 2017/18 for the County Council to hold.
- 10.4 Since this time, the CCG have volunteered £0.25m for this financial year.
- 10.5 This means that NCC is still currently overspending by £1.066m in 2017/18 as the service is still required and has created an ongoing shortfall, as the contract runs until the end of July 2018, which will need to be addressed in the budget setting process.
- 10.6 Additionally the CCGs have financially contributed to the Sleep Service contract over the past few years. NCC have been chasing this contribution for this financial year but have been unsuccessful in recouping this money, leaving NCC with an additional overspend of £0.075m for 2017/18.
- 10.7 This is a potential overspend of £1.141m for 2017/18.
- 10.8 Given that current contracts end during the next financial year, for 2018/19 this represents an additional budget requirement of £0.38m (for the residential contract and sleep service contract) if the CCG continue to contribute the £0.25m pro rata.<sup>7</sup>
- 10.9 The financial contribution of £0.25m pro rata for 2018/19, however, has not been confirmed. Should the current funding not be available for April to the end of July 2018, total overspend for 2018/19 will be £0.46m.
- 10.10 CCG colleagues have been involved in the consultation, attending open consultation meetings alongside NCC staff; and have been a key partner in the proposed service redesign.
- 10.11 The CCG have considered their financial position and, subject to the results of further scrutiny of the developing specification for residential short breaks, have put forward an interim position of anticipated costs resulting in a proposed contribution of just under £0.3m per annum for the new model of delivery (to include clinical staffing and management, and training for staff where a registered nurse is not required to deliver interventions).

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<sup>7</sup> This additional budget ask has been addressed in the Council's 2018/19 Draft Budget.

10.12 It is important to note that any Council cost savings proposals have been rejected and savings sought elsewhere due to the importance and value of these services to families.

10.13 NCC will not be reducing their original budget for these services; but it must be noted that CCG decisions around funding will necessarily have an impact on the services and offer received by families.

	Current year	Forecast		
	2017/18	2018/19	2019/20	2020/21 & beyond
	£000	£000	£000	£000
<b>Capital Investment</b>				
Costs	0	0	0	0
Funded by	Not applicable			
<b>On-going costs (revenue)</b>				
Existing model of delivery	3,575.5 <sup>8</sup>	1,191.8		
Proposed model of delivery		1,655.9 <sup>9</sup>	2,483.9	2,483.9
Total on-going costs (revenue)	3,575.5	2,846.9	2,483.9	2,483.9
Funding by	<p>Current year for short breaks (<b>£000</b>) –</p> <ul style="list-style-type: none"> <li>NCC CFE contribution £2,184 (includes residential, non-residential, SEND support and grant-led services) <sup>10</sup></li> <li>CCG contribution £250</li> <li>Overspend position for 17/18 is £1,141.5</li> </ul> <p>The current provision runs to the end of July therefore the amount for 2018/19 stated includes 4 months of 17/18 costs (and associated overspend). The proposed future model of delivery accounts for £1,456 (August 2018 to March 2019) – therefore giving a total forecast spend of £2,647.8 for 2018/19 funded by:</p> <p>2018/19 for short breaks (<b>£000</b>) –</p> <ul style="list-style-type: none"> <li>NCC CFE contribution £2,184</li> <li>CCG contribution £250 pro rata up to end of July (£83.3) (currently an assumption, as no confirmation of the CCG position for April to July 2018 has been received. If no funding received this will be an additional overspend) <sup>11</sup></li> <li>Additional budget requirement in 18/19 of £380.5</li> </ul>			

<sup>8</sup> This includes full value contract for residential short breaks and full current value contract for sleep services.

<sup>9</sup> This includes the proposed contribution of £0.3m pro rata from the CCG.

<sup>10</sup> Please note, this only includes NCC's contribution to residential short breaks and the sleep service.

<sup>11</sup> This position could improve though if the £0.3m from the CCG is agreed and included pro rata July to March.

What benefits will the proposal deliver?	<ul style="list-style-type: none"> <li>• Value for money and cost effective provision to be achieved through the re-commissioning process.</li> <li>• Positive impact on service risk register by decreasing the financial risk attached to the current residential short breaks contract.</li> <li>• Better services for children and families in Northamptonshire based on what they have told us that they want.</li> </ul>
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## 11. Risk and Business Continuity Management

11.1 As with any re-commissioning activity, precise project planning will be required to ensure that there is no gap in delivery of services and that any negative impact on families accessing the services is minimised as far as possible.

### 1. Risk(s) associated with the proposal

Risk	Mitigation	Residual Risk
Legal challenge with regards to insufficient consultation	Use all opportunities at our disposal to consult with as many stakeholders as possible; and ensure that all comments and findings are made available in the public domain.	Amber
Criticism with regards to insufficient coproduction	Use all opportunities at our disposal to work closely with young people and parents/carers to ensure that the developing model meets the needs identified.	Amber
Legal challenge with regards to the tender process	Ensure we follow the advice and guidance of colleagues across the Council and in LGSS to reduce risk of challenge legally and in terms of the principles and process utilised.	Amber
Legal challenge with regards to the services commissioned	Ensure that we can account for all of the consultative information received during the engagement process and act on the ideas, concerns and opinions of children and families as far as possible, within organisational and financial constraints.	Amber

2. Risk(s) associated with not undertaking the proposal

Risk	Risk Rating
Legal challenge due to delivery of services that do not appropriately meet the needs of children and families	Amber
Financial risk to the local authority if we continue with the existing and unaltered contracts	Red
Reputational risk for the local authority due to delivery of services that do not appropriately meet the needs of children and families	Amber
Reputational and legal risk with regards to a lack of transparency in contracting opportunities	Amber

**12. List of Appendices**

None

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Background Papers:	DCSF, Short Breaks: Statutory Guidance on how to safeguard and promote the welfare of disabled children using short breaks, April 2010 – <a href="http://webarchive.nationalarchives.gov.uk/20130405141948/https://www.education.gov.uk/publications/eOrderingDownload/short%20breaks%20statutory%20guidance%20march%202010.pdf">http://webarchive.nationalarchives.gov.uk/20130405141948/https://www.education.gov.uk/publications/eOrderingDownload/short%20breaks%20statutory%20guidance%20march%202010.pdf</a>  Short Breaks for Disabled Children: A legal guide for local authorities, January 2017 – <a href="https://www.ncb.org.uk/sites/default/files/field/attachment/Shortbreaks%20legal%20duty%20guide%20for%20LAs.pdf">https://www.ncb.org.uk/sites/default/files/field/attachment/Shortbreaks%20legal%20duty%20guide%20for%20LAs.pdf</a>
Does the report propose a key decision is taken?	YES
If yes, is the decision in the Forward Plan?	YES
Will further decisions be required? If so please outline the timetable here	Further decisions will be required, including – <ul style="list-style-type: none"> <li>• Agreement to take tender/s to market to implement the agreed model (end of January 2018);</li> <li>• Approval of preferred supplier identified (April 2018).</li> </ul>

<p>Does the report include delegated decisions? If so, please outline the timetable here</p>	<p>This report requests that delegated authority is given to the Director for Children, Families and Education, in consultation with the Cabinet Member with responsibility for Children's Services, to:</p> <ol style="list-style-type: none"> <li>i. Re-commission the services required; and</li> <li>ii. Award the contract/s based on a transparent and fair competitive process.</li> </ol>
<p>Is this report proposing an amendment to the budget and/or policy framework?</p>	<p>NO</p>
<p>Have the financial implications been cleared by the Strategic Finance Manager (SFM)? Have any capital spend implications been cleared by the Capital Investment Board (CIB)</p>	<p>YES Name of SFM: James Smith</p> <p>NO</p>
<p>Has the report been cleared by the relevant Director?</p>	<p>YES Name of Director: Lesley Hagger</p>
<p>Has the relevant Cabinet Member been consulted?</p>	<p>YES Cabinet Member: Cllr Matt Golby</p>
<p>Has the relevant scrutiny committee been consulted?</p>	<p>NO Scrutiny Committee:</p>
<p>Has the report been cleared by Legal Services?</p>	<p>YES Name of solicitor: Satinder Sahota</p>
<p>Have any communications issues been cleared by Communications and Marketing?</p>	<p>YES Name of officer: Joni Ager</p>
<p>Have any property Issues been cleared by Property and Asset Management?</p>	<p>YES Name of officer: Ian Boll</p>
<p>Procurement/ Contractual Implications:</p> <ul style="list-style-type: none"> <li>• Have you evidenced compliance with the Council's Contract Procedures Rules?</li> <li>• Have you identified where you are seeking Cabinet to approve an exemption from the Contract Procedure Rules and detailed the risks and mitigations?</li> <li>• Have you identified any EU or UK legislative risks associated with the exemption process such as non-compliance with the Public Contract Regulations</li> </ul>	<p>YES Name of officer: Paul White</p>

<p>Act 2015, transparency and open competition?</p> <ul style="list-style-type: none"> <li>• Have you identified the procurement or contractual risks associated with a contract?</li> <li>• Has the contract/procurement been subjected to the Council's Commercial Board?</li> </ul>	
Are there any community safety implications?	NO
<i>Are there any environmental implications:</i>	NO
Are there any Health and Safety Implications:	NO
Are there any Human Resources Implications:	YES TUPE implications will be assessed as part of the commissioning process.
Are there any human rights implications:	<p>YES</p> <p>The most relevant of the conventions set out in the European Convention on Human Rights are the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.</p> <p>Therefore all work undertaken will need to have due regard for:</p> <ul style="list-style-type: none"> <li>• The duty to ensure that disabled children's best interests are treated as a primary consideration in all decisions which affect them;</li> <li>• Children's rights to age-appropriate play, leisure and recreational activities; and</li> <li>• The right to support for disabled children's full inclusion and participation in the community.</li> </ul>
Constituency Interest:	This proposal affects services delivered across Northamptonshire.