

MUNICIPAL YEAR 2015/2016 - REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

REPORT OF: Tony Theodoulou
Interim Director of Children's Services

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| Agenda - Part: 1 | Item: |
| Subject: Agreement to award contracts for a Select List Supplier process for Overnight Residential Short Breaks and Activity Breaks for Disabled Children and Young People | |
| Wards: All wards | |
| Key Decision No: KD4226 | |
| Cabinet Member consulted: Cllr. Ayfer Orhan | |

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1. EXECUTIVE SUMMARY

Following the decision to establish a Select List of providers of Overnight Residential Short Breaks and Activity Breaks for disabled children and young people in Enfield, a tendering process has been undertaken. Approval is now sought to award the contract to six providers that will supply spot-purchased services.

2. RECOMMENDATIONS

- 2.1 That the Interim Director of Children's Services approves the appointment of six providers (detailed in the accompanying Part 2 report), to form a Select List for this service.

3. BACKGROUND

- 3.1 Providing a range of short breaks for disabled children and young people is an obligation under Section 25 of the Children and Young Persons Act 2008¹. An appropriate overnight residential service is a fundamental element of the short breaks programme.
- 3.2 To ensure that any commissioned short breaks were relevant to the needs of local families, and to promote engagement, Enfield employed a group of parents/carers of disabled children and young people as consultants. The recommendations suggested

¹ HM Government (2008)

by this consultation group were used in full within the Enfield Short Breaks Strategy², and were also used to inform the service requirements.

- 3.3 The Services fall under the 'light touch' regime of the Public Contracts Regulations 2015. Funding is being provided via the Early Intervention Grant (Department for Education).
- 3.4 Expressions of Interest were sought from potential providers that met a set of pre-determined criteria. Potential providers then completed an application pack to facilitate evaluation, and attended a panel meeting to allow more detailed discussion.
- 3.5 The result of this exercise was for six providers to be nominated for inclusion on the new Select List for this Service.
- 3.6 The process undertaken will allow the Council to access a number of specialist providers, thus ensuring a personalised service based on the requirements of the child/young person. The call off mechanism will be based on matching the needs of the service user with the overnight residential short break facility that is most suited to them. This will be decided in consultation with the child's family.
- 3.7 The start date for the contracts will be 1st April 2016. The contracts will run for 2+1 years.

4. SELECT LIST

- 4.1 Continuing with a Select List will enable the Council to choose the best supplier to meet the needs of the child/young person, giving the Council flexibility and control over the placement. The Council, in consultation with families, will select suppliers to provide services via a spot purchasing arrangement. A purchase order and contract agreement will be in place, and a clear specification of the requirement will be included. This requirement will be reviewed on a regular basis, and any variation agreed with the supplier.
- 4.2 The Select List will be reviewed every three years. The performance of all suppliers will be monitored and assessed on a continuous basis. Those that do not perform to the required standards will be suspended from the Select List. Should it become necessary to replace or add suppliers to the List, the same data provided and scored as part of this assessment process will be used to ensure parity, and a DAR will be produced for approval to add a supplier to the List.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There are no alternative options to tendering externally, as the Council is unable to provide such an extensive specialist service.
- 5.2 Providing a range of short breaks for disabled children and young people is an obligation under Section 25 of the Children and Young Persons Act 2008.

² 'Enfield Joint Service for Disabled Children: Commissioning Plan for Short Breaks and Family Support Services', *London Borough of Enfield (2015)*

5.3 The tendering of this service was agreed at the Council's Strategic Procurement Board.

6. REASONS FOR RECOMMENDATIONS

6.1 The vision of Enfield's Joint Service for Disabled Children is that disabled children and young people are 'fully supported to be healthy, stay safe, enjoy themselves with friends, have fun and achieve success, and make decisions about their lives.' This service will help to achieve all of these aims, as well as contributing towards the short breaks requirements under the Children and Young Persons Act 2008.

7. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

7.1 Financial Implications

7.1.1 The current budget for Overnight Residential Short Breaks for the financial year 2015/16 is £175K.

7.1.2 Due to the diverse nature of service users' requirements and the potential need for very specialist provision, this service is not suitable to contract with a small number of suppliers rather than via spot purchase within a Select List. It is unlikely that any material financial savings will arise as a result of this procurement exercise.

7.2 Legal Implications

7.2.1 The Council has the general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may generally do provided it is not prohibited by legislation. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

7.2.2 The Council must ensure that the setting up of the Select List complies with the Council's Constitution and in particular, its CPRs. The Council is also bound by the PCR's 2015 and may also be required to comply with some provisions in the PCR's where pre-determined thresholds within the same, are exceeded. The selection and award process must be conducted in a fair, proportionate, transparent and non-discriminatory manner and must ensure quality.

7.2.3 The Council must ensure compliance with any Early Intervention Grant terms and conditions and must ensure that the procurement and selection process and resultant contracts are consistent with such grant terms.

7.2.4 The Children Act 1989 (the "Act") outlines the responsibilities of local authorities to support disabled children who are included in the Act's definition of children in need. Short Breaks are an important contributor to meeting children's needs. Under Part 1, Schedule 2 of the Act, the Council has a duty to identify the extent to which there are children '*in need within their area*' and; to facilitate the discharge of its general duty under s.17 of the Act, the Council is

obliged to publish information regarding the services provided by them and is further expected to *'take such steps as are reasonably practicable to ensure that those who might benefit from the services receive the information relevant to them'*.

7.2.5 The Council may enter into contracts to provide for this service in accordance with the Local Government (Contracts) Act 1997. Any Legal agreements will need to be in a form approved by the Assistant Director for Legal Services.

7.3 Other Implications

7.3.1 Key Risks

7.3.1.1 No significant risks have been identified. Although the competitive nature of the Select List process may result in a change of service providers, which could impact upon an existing service provider, all providers have been given sufficient notice to accommodate necessary arrangements should there be a change to delivery.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

8.1.1 Commissioned services will be for disabled children and young people aged 5-17. Within this group, all young people will have a Care Plan which includes their allocated provision of overnight residential short breaks. Services are commissioned on a needs-led basis for each individual, to ensure that service users have access to appropriate resources.

8.2 Growth and Sustainability

8.2.1 Unfortunately, there are not currently any facilities in Enfield that provide overnight residential short breaks for disabled children and young people. However, it is hoped that the support these children are given will help enable them to eventually contribute to the local community and workforce.

8.3 Strong Communities

8.3.1 It is envisaged that young people will be involved during the tender process, giving them a say in the providers selected. Parents of disabled children and young people in the Borough will also be involved in all stages of the tender process, including being part of the scoring and interview panels.

9. EQUALITIES IMPACT IMPLICATIONS

9.1 A predictive Equalities Impact Assessment has been completed previously, where no negative impacts were identified. The service has not changed in any significant way in the subsequent period.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

- 10.1 There will be no fundamental change to this service, and therefore no measurable effect on performance indicators.

11. PUBLIC HEALTH IMPLICATIONS

- 11.1 Part of the purpose of short breaks is to give parents and carers a break from their caring responsibilities, helping enable them to concentrate on their own health needs. Meanwhile, disabled children and young people are given the opportunity to participate in activities that contribute towards healthy lifestyles by keeping them active and engaged in community activity, and helping them to socialise with other children and young people.

Background Papers

No background papers are included in this report.

