

Report for **Cabinet 18 June 2019**

Title: Award of framework agreements for the provision of short breaks services for disabled children and young people

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Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks approval from Cabinet to establish an open framework for the provision of short break services for children and young people with disabilities, and award framework agreements with the eight providers identified in appendix 1 of this report, as allowed under Contract Standing Order 9.07.1(d).
- 1.2 The framework will be for an initial period of three (3) years commencing on 29th July 2019 with an estimated value of £855,000, with the option to extend for a further period of up to one (1) year. The total estimated value over the life of the framework if extended is £1,140,000.00.
- 1.3 The framework may be re-opened at the sole discretion of the Council on a 6 to 12 monthly basis during the contract period, which will allow for new providers (who were not originally appointed to the framework) an opportunity to be appointed to the framework. Providers who have already been appointed to the framework will not need to re-tender when the framework re-opens.

2. Cabinet Member Introduction

- 2.1. As a council we have high ambitions for all children and young people growing up in Haringey. It is vital we work to give children the best start in life we can so they grow up to live healthy and fulfilling lives. The Borough Plan has this as a top priority. Social inclusion and having the right support to access the

opportunities our borough and communities offer is part of our commitment to children and families, and integral to our aspirations.

- 2.2. Our commitment to ensure fairness, inclusion and opportunity for all. Is set out in Haringey's Special Educational Needs and Disabilities Strategy 2017-19. It describes how we intend to implement these principles, and our commissioning approach outlined in the Joint Commissioning Strategy for SEND 2017 – 2019 complements this.
- 2.3. Within this broad policy framework, short breaks services are vitally important to families with children who have a disability. These breaks provide essential and needed support to families, whilst offering the children positive experiences and stimulating activities. In summary, these services support both carers and the children/young people themselves. The short breaks programme includes day, evening, overnight or weekend activities. They can take place in the child's own home, the home of an approved carer, or a residential or community setting.
- 2.4. The programme was developed following consultation with families and the services proposed represent the views put forward as to what families need and want. In summary, within the constraints of the budget available the services aim to give families with children with special needs respite, and for the children and young people, activities which enhance their lives.

3. Recommendations

- 3.1. For Cabinet to approve the proposals to:
 - 3.1.1 establish an open framework for the provision of short break services for children and young people with disabilities for an initial period of three years commencing on 29th July 2019, with the option to extend for a further period of one year with a total estimated value of £1,140,000;
 - 3.1.2 award framework agreements for the provision of short break services for children and young people with disabilities to the eight providers identified in appendix 1 of this report as allowed under Contract Standing Order 9.07.1(d) for a duration of three years commencing on 29th July 2019, with the option to extend for a further period of up to one year;
 - 3.1.3 give delegated authority to the Assistant Director of Commissioning to award framework agreements to successful providers on each occasion that the framework for the provision of short break services for children and young people with disabilities reopens, where award

of the framework agreements to the successful providers will not result in an increase to the total estimated value of the framework.

4. Reasons for decision

- 4.1. Haringey Council has a statutory duty to provide short break services for disabled children and young people and their carers, in line with the Children Act 1989 and Children and Families Act 2014 and their associated regulations and guidance.
- 4.2. The Council currently provides short break services through spot purchasing. The new framework will ensure that Haringey Council has robust contractual arrangements in place with high quality providers who are able to meet the needs of disabled children and young people.
- 4.3. A full tender process was conducted in accordance with the Council's Contract Standing Orders and the recommendations to establish an open framework and to appoint providers to that new framework is made following the completion of tender evaluations.

5. Alternative options considered

5.1. Keep current model of service delivery:

Haringey Council currently spot purchases short breaks services for children and young people with managed personal budgets, as allocated by the Disabled Children's Team.

This option was considered and rejected for the following reasons:

- Haringey Council should ensure that robust contractual arrangements are in place.
- A new framework would increase the Council's oversight of pricing and support robust, formal monitoring arrangements.
- Introducing a new framework for short breaks services will enable Haringey Council to increase the range and number of short breaks services available to Haringey families.

5.2. In- house provision

This option was considered and rejected for the following reasons:

- A directly delivered short breaks service could limit family choice, compared to the range of specialist services that families can access from external providers. Haringey families have consistently told us that it is very important to be able to choose from a range of short breaks services. This is key to supporting personalisation and choice in line with the Children and Families Act 2014.
- The Council does not currently have the significant level of resources that would be required to deliver the service in house. This option

would require substantial investment to establish an in-house short breaks service.

- Haringey Council has not been able to directly deliver consistently high quality short breaks services in the past, as highlighted in previous 'Requires Improvement' Ofsted judgements of the Haslemere Road Respite Centre. This resulted from challenges surrounding management capacity, staffing recruitment and workforce skills. There is a risk that these operational challenges would reoccur, should Haringey pursue an in-house short breaks provision.

5.3. A full options appraisal was conducted for the route to market, which resulted in the decision to establish an Open Framework Agreement. Alternative contract models included:

- **Block contracts:**

This option was rejected on the grounds that block contracts are not sufficiently flexible to support family choice and adapt to changing demand for short breaks services.

- **Closed Framework:**

Whilst this option would enable a more flexible approach to purchasing short breaks services, the risk of restricted entry to a Framework Agreement could result in not having enough approved providers to meet demand.

- **Dynamic Purchasing System:**

This option was rejected on the grounds that the volume and spend for short breaks services was not sufficiently high to require a Dynamic Purchasing System, particularly as take-up of direct payments increases.

6. Background information

6.1. The Children Act 1989 requires that local authorities provide a range of services including day care, overnight care, educational or leisure activities for disabled children and services to assist carers in the evenings, at weekends and during school holidays.

6.2. The 'Breaks for Carers of Disabled Children Regulations 2011' detail how local authorities must perform their duty in the Children Act 1989 to provide breaks from caring for carers of disabled children. In accordance with the Regulations, Local Authorities must:

- Provide a range of short breaks services;
- Give families the choice to access short breaks services using a direct payment;
- Publish a statement of their short breaks services on their website;
- Keep their short breaks statement under review;
- State in their short breaks service statement the range of short breaks services available, the criteria for assessing eligibility for services, and how

the range of services are designed to meet the needs of local families with disabled children;

- Consult parents as part of the review of the statement;
- Consider the legal implications of the eligibility criteria they apply to short breaks services; and not apply any eligibility criteria mechanically without consideration of a particular family's needs.

- 6.3. In line with the Borough Plan, it is a key priority for Haringey to ensure that disabled children and young people and their parents / carers have the opportunity to access a range of short breaks services that enhance support for carers and help children to enjoy happy childhoods.
- 6.4. On average each year, circa 200 disabled children and young people access short breaks services through use of their personal budget. This includes both children with council managed budgets (60 per year) and those with direct payments (140 per year).
- 6.5. The Council will purchase short breaks services directly through the framework for children who have a council managed budget. The Council will also promote Haringey's list of approved suppliers to families with direct payments who purchase their short breaks services directly from suppliers.
- 6.6. The core outcomes described in the Service Specification have been co-designed with parents / carers of disabled children and young people. Engagement opportunities included a workshop on short breaks and respite services in May 2018 with 50 parents / carers and a follow-up session with a parent / carer focus group. Parents and carers told us that they wanted to see:
- More choice – a greater number of providers offering a wider range of services
 - More provision during weekends and holidays
 - Availability of transport as a key consideration
 - Most parents prefer to access support locally, but some parents would travel out of borough to access short breaks activities
 - More help from the Local Authority to identify services, where families have direct payments

7. Procurement Process

- 7.1. The services provided under this contract are considered Health and Social care services and are therefore subject to Light Touch Regime under the Public Contract Regulations 2015. An open tender process was carried out in accordance with the Council's Contract Standing Orders and procurement Code of Practice.
- 7.2. A market engagement event was held on 13th June 2018, to provide an overview of commissioning intentions, engage with the market and discuss the proposed service model. A follow up market event was held on 10th September 2018 to provide an update on timescales for the procurement process and offer potential service providers the opportunity to network and

raise any questions or present any views prior to the commencement of the tender process.

7.3. The tender was advertised by publishing a contract notice in Official Journal of the European Union (OJEU) and on contract finder on 24th November 2018. Invitation to Tender (ITT) and supporting documents were uploaded on Haringey Contracts and Procurement System (HCPS) (e-tendering portal) where following a registration process, the potential tenderers could access the tender documents and submit their tenders electronically.

7.4. The service was tendered in the following 6 Lots and tenderers could submit a tender for one lot or a combination of any lots.

Lot 1 - After School

Lot 2 - Weekend Activities

Lot 3 - Holiday

Lot 4 – Outreach Support

Lot 5 – Overnight respite

Lot 6 - Other short breaks

7.5. By the closing date of 14th January 2019, 21 organisations had accessed the documents and registered their interest on the Haringey Contracts and Procurement System. Tenders were received from 11 organisations. Of these, 7 tenders were received for Lot 1, 6 tenders for Lot 2, 8 tenders for Lot 3, 4 tenders for Lot 4, 2 tenders for Lot 5 and 3 tenders for Lot 6. One tender was rejected because it was submitted after the deadline.

7.6. Tenders were checked for compliance with minimum requirements including mandatory and discretionary exclusion criteria before quality and price evaluations. All tenders passed the compliance checks.

7.7. Evaluations for Quality and Price were carried out on the basis of Most Economically Advantageous Tender (MEAT) with a ratio of 50:50 (Price: Quality). In order to ensure all bids considered met an acceptable quality standard, tenderers were required to score a minimum of 300 points to pass the quality (method statement) evaluation). The evaluation criteria and weighting were set out within the invitation to tender documents.

7.8. One tenderer for Lot 3 did not meet the required quality threshold and was, eliminated from the process with no further assessment.

After careful consideration of the tenders for Lot 5, it became clear that the submissions did not represent best value for the Council therefore, a decision was taken not to appoint the providers to the open Framework for this Lot. Strategic Commissioning and SEND are developing a separate service model for overnight short breaks and commencing parent carer engagement from June 2019 to shape the service specification.

- 7.9. The table below provides a list of successful bidders along with their quality and price scores. Further information about the tender evaluation is contained in Part B (exempt part) of the report.

Short breaks for Children and Young People with Disabilities – Lot 1 (After School Activities)				
Bidder	Quality Score	Pricing Score	Total Score	Ranking
A	410	460	870	1
B	350	500	850	2
C	460	375	835	3
D	390	375	765	4
E	370	375	745	5
F	320	417	737	6
G	340	341	681	7

Short breaks for Children and Young People with Disabilities – Lot 2 (Weekend Activities)				
Bidder	Quality Score	Pricing Score	Total Score	Ranking
A	410	500	910	1
B	460	245	705	2
C	350	288	638	3
D	390	245	635	4
E	370	245	615	5
F	340	222	562	6

Short breaks for Children and Young People with Disabilities – Lot 3 (School Holiday)				
Bidder	Quality Score	Pricing Score	Total Score	Ranking
A	460	469	929	1
B	410	460	870	2
C	320	500	820	3
D	350	441	791	4
E	390	375	765	5
F	370	375	745	6
G	340	341	681	7
H	220	Eliminated (Did not meet quality threshold)		

Short breaks for Children and Young People with Disabilities – Lot 4 (Outreach Support)				
Bidder	Quality Score	Pricing Score	Total Score	Ranking
A	410	500	910	1
B	350	453	803	2
C	390	370	760	3
D	340	370	710	4

Short breaks for Children and Young People with Disabilities – Lot 6 (Other Short Breaks)				
Bidder	Quality Score	Pricing Score	Total Score	Ranking
A	410	491	901	1
B	350	320	670	2
C	Eliminated (Proposal did not meet requirements)			

8. Transition arrangements and contract management

- 8.1. Contract management will be incorporated into the contract. Key performance indicators are included within the service specification and will be monitored by the Integrated service SEN and Disabilities team.

9. Contribution to strategic outcomes

- 9.1. The Young People at Risk strategy supports the following Haringey Borough Plan (2019-23) outcomes:

- Best Start in Life: the first few years of every child's life will give them the long-term foundations to thrive
- Happy Childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family and in our community
- Every young person, whatever their background, has a pathway to success for the future
- Strong communities where people look out for and care for one another
- A proud, resilient, connected, and confident place

10. Statutory Officers comments (Chief Finance Officer, Head of Procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 10.1. The short breaks budget sits under 'Children and Young People with Additional Needs' in the priority titled 'People' as per the new Borough Plan. It is a statutory duty as outlined in the Children Act 1989 to support carers with disabled children. A total budget of £2m is allocated for 2019/20. This budget includes short breaks with activities highlighted on the report, home care support and direct payments for children with disabilities. Estimated cost of £285kpa on short breaks is set aside and will be contained with this budget. However, this budget is under pressure due to increased number of children with complex care packages being supported to avoid hospital admission or long-term placements.

Corporate Governance

- 10.2. The Assistant Director of Corporate Governance notes the contents of the report.
- 10.3. The award of framework agreements for the services described in this report is governed by Chapter 3, section 7 of the Public Contracts Regulation 2015

(the “light touch regime”). The proposed open framework is permitted under the flexibility of the light touch regime provided that the mandatory requirement to advertise has been met, and procedures applied in connection with the award of the framework agreements are transparent and provide equal treatment to bidders.

- 10.4. Pursuant to CSO 9.07.1(d), Cabinet may approve the award of a contract if the value of the contract is £500,000 or more and as such Cabinet has the power to approve the recommendations in the report.
- 10.5. The Assistant Director of Corporate Governance sees no legal reasons preventing Cabinet from approving the recommendations in paragraph 3 of the report.

Procurement

- 10.6. The services outlined above fall within the ambit of Schedule 3 of the Public Contract Regulations 2015. As such, a prescribed open procurement process was carried out along with the requirement to formally advertise, both in the Official Journal of the European Union and Contracts Finder.
- 10.7. The process also complied with Council Standing Orders and the Procurement Code of Practice.
- 10.8. Unusually however, an open framework was adopted for this service. In general frameworks once let, cannot be reopened to admit other suppliers. However, as this provision is under schedule 3 of the PCR 2015, it allows for more flexibility in the use of procurement processes. The open framework was considered advantageous as it should enable commissioning some flexibility to grow its supply chain, as new suppliers may be admitted, thereby providing families a wider choice of vetted suppliers to provide short break activities for vulnerable disabled young people.
- 10.9. The tender process ensured that the Council obtained the best value available in the current market, the cost of which can be contained in the budget.
- 10.10. During the framework term, Strategic Commissioning will regularly monitor service provision to mitigate against any performance issues and ensure service targets and standards are met.

Equality

- 10.11. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.

- 10.12. The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 10.13. The decision is to approve contracts for the provision of short breaks services for disabled children aged 0 to 18 who receive Personal Budgets and their parents / carers. The cohort is broadly made up of children and young people aged 0-18 with disabilities and/or additional needs including:
- Complex health needs – including physical disability and/or life limiting conditions and/or cognitive or sensory impairments
 - Autism Spectrum Disorders (ASD) and/or Severe Learning Disabilities – challenging behaviour.
- 10.14. Those most likely to be affected are children and young people aged 5-18 and their parents / carers, with the tender responses primarily targeted towards young people aged 11 to 18. By re-opening the Framework at appropriate intervals, the Council will seek to increase the range of services delivered for children aged 0-10, as this is an identified gap in service provision within Haringey.
- 10.15. Most children and young people accessing short breaks services reside in the South East and North East of the borough. There is overrepresentation of people from BAME backgrounds within the cohort – the latest breakdown (April 2019) shows that 74% of children with managed budgets for short breaks are from BAME backgrounds. There is specific demand for culturally appropriate short breaks services for Orthodox Jewish children, with a number of Haringey families choosing to access support in specialist Orthodox Jewish settings.
- 10.16. Service Providers received information about the demographics of Haringey's short breaks service users at two market events in June and September, to inform their understanding of the client group for their service proposals. The evaluation of method statement responses during the tender process involved consideration of providers' understanding of the needs of the population.
- 10.17. This decision will help the Council to meet its equalities duties and address known inequalities affecting individuals with protected characteristics, in particular relating to age, sex, sexuality, gender identity, race, and disability. Accordingly, the decision represents progress to eliminate discrimination and advance equality of opportunity.

11. Use of Appendices

- 11.1. Appendix 1 - Exempt Report with tender information.

12. Local Government (Access to Information) Act 1985 (if not applicable state)

- 12.1. The following background papers have informed the preparation of this report:
- Haringey Borough Plan 2019-2023

https://www.haringey.gov.uk/sites/haringeygovuk/files/joint_commissioning_strategy-hc-ccg.pdf

- Haringey SEND Strategy 2017-2019
https://www.haringey.gov.uk/sites/haringeygovuk/files/send_strategy_haringey_2017-19_final_feb_2019.pdf
- Haringey Joint Commissioning Strategy for SEND 2017-2019
https://www.haringey.gov.uk/sites/haringeygovuk/files/joint_commissioning_strategy-hc-ccg.pdf

12.2. Exempt Report (Appendix 1) with tender information – this report is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).