



Mayor and Cabinet

Report title: Permission to Tender Specialist Short Breaks Service overnight, holiday and weekend care

Date: 6th July 2022

Key decision: Yes

Class: Part 1

Ward(s) affected: All

Contributors: Short Breaks Manager, Head of Service for CYP Commissioning; Short Breaks Centre Manager

Outline and recommendations

This report sets out the commissioning intentions to tender for the Lot 1 and Lot 2 contracts within the Specialist Short Breaks Framework. As this contract is due to end on 31st August 2022, this report seeks approval to go out to competitive tender for this provision.

The contract will be for a period of three years, with an option to extend for two further years commencing from 1st September 2022.

There is an estimated contract value of £630,000 per annum, and a contract value of £3,150,000 over the possible lifetime of the contract (five years).

Timeline of engagement and decision-making

Mayor and Cabinet February 2017: Specialist Short Breaks Award Of Contract: Decision to award contract for three years, with an option to extend for up to 1 year, from 1 September 2017 to 3 August 2020.

Family Consultation 11 July 2018: Consultation on the afterschool club activities with parents and carers of children and young people who attend that short breaks provision.

Mayor & Cabinet May 2020: Approval of a one year extension until 31st August 2021 with the same terms and conditions, under the Covid-19 pandemic emergency powers.

Mayor & Cabinet March 2021: Permitted Exception report to allow extension of contract under the Covid-19 pandemic emergency powers.

Exclusion of the Press and Public

It is recommended that under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during discussion of this item because it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act as set out below and the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

1. Summary

- 1.1. This report seeks approval from Mayor and Cabinet to proceed with the procurement for the Lot 1 and Lot 2 contracts within the Specialist Short Breaks Framework. This contract is due to end on 31st August 2022. This report seeks approval to go out to competitive tender for this provision.
- 1.2. Lots referred to in the Framework will deliver specialist day-time short break services during the school holidays and at the weekends at a cost of £200,000 per year, and specialist overnight residential short break services during the school holidays and every weekend, except during the bank holidays at a cost of £430,000 per year.
- 1.3. Lewisham will seek to award a contract for a period of three years, with an option to extend for two years commencing from 1st September 2022. The estimated contract value of £630,000 per annum, and a contract value of £3,150,000 over the possible lifetime of the contract (five years).
- 1.4. The proposed specifications for Lots 1 and 2 are outlined in section 5.

2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet approve the commencement of the procurement process to tender for Lot 1 and Lot 2 contracts within the Specialist Short Breaks Framework. The contracts cover a three year period with an option to extend for a further two years commencing from 1st September 2022. The estimated contract value of £630,000 per annum and total contract value £3,150,000 over the possible lifetime of the contract (five years).

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3. Policy Context

- 3.1. The Specialist Short Breaks Service contract is consistent with the Council's Corporate Strategy priority "Giving children and young people the best start in life", in particular the aims to:
- Work with our partners to ensure that young people transitioning into adulthood achieve the best possible outcomes in relation to education, work, healthy lives and strong community connections.
 - We will support more high-quality mentoring by working with community and voluntary groups and businesses to help our young people access employment opportunities.
- 3.2. The Local Authority has a statutory obligation to provide services that meet the short break and personal care needs of disabled children, young people and their families. One way that Lewisham Council discharges these statutory obligations is by providing personalised care and support services in the home.
- 3.3. The Framework also supports the delivery of Lewisham's Children & Young People's Plan (CYPP) 2019-2022. The Specialist Short Breaks Service Contract contributes towards the four key areas:
- Children and young people have the best start in life and are protected from harm
 - Children and young people have good physical and emotional health
 - Children and young people develop, achieve and are ready for adulthood
 - Children and young people feel listened to and respected
- 3.4. The Framework is key to delivering the objective of improving outcomes for children with identified SEND by ensuring that their needs are met as outline in Lewisham's New Local Area Partnership SEND Strategy 2020-2023. This sets out the Council's strategy for collaboratively delivering outcomes for children with SEND and their families.
- 3.5. Specifically it supports the vision of specialist support for children and young people identified as having high needs:
- Children and young people with SEND (0-25 years) and their families who have high levels of complex need that have been assessed by professional(s) as requiring specialist services and support across health, social care and education receive the right support at the right time by the most appropriate person and/or service, so they can become as independent as possible.
- 3.6. Furthermore the Framework is fundamental to delivering the partnership ambition for short breaks to provide excellent and effective support to all of those children and young people who are unable to access community activities and resources due to their disabilities. Through providing community activities and short breaks services, children and young people can have fun, build friendships, develop independence and life skills, while having their needs meet and parents/ carers can have a short break.

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4. Background

Specialist Short Breaks

- 4.1. Specialist Short Breaks are for eligible families with disabled children who need more breaks from caring because their child's additional needs mean that they have to spend much more time caring for them than they would if their child was not disabled. The current service for Lots 1 and 2 are provided by the Ravensbourne Project at Peter Every House.
- 4.2. This service is for families with the highest levels of need who will be referred to one of the services provided by Short Breaks depending on their needs. In practice young people will attend one of the provisions at different times throughout the year, allowing more families to access the support available.
- 4.3. To meet the needs of children and young people with complex needs the Council commissions organisations to provide Specialist Short Breaks overnight, in school holidays and at weekends.
- 4.4. The views of parent/ carers and young people were sought in the original tender process. Specialist consultation took place with a selection of young people with complex needs at Greenvale Special School, with specially trained staff who understood their communication needs. We also offered all parent/ carers who receive a specialist service the opportunity to be involved in developing and reviewing the specification, this offer was taken up by their parent/carers.
- 4.5. Lewisham's Parent/ Carer Forum were also given the opportunity to be involved in developing and reviewing the specification. The parent/ carers who were involved in developing and reviewing the specification were also offered to be a part of the evaluation of tender bids, this offer was taken up by one parent/carers. A similar approach to consultation will be undertaken with the upcoming tender.
- 4.6. The two Lots within the current framework under consideration for tender are:
 - Lot 1: Holiday (during the school holidays) and Weekend (Saturday and Sunday) care and support.
 - Lot 2: Residential care and support.
- 4.7. Lot 1 provides specialist day-time short break services to children and young people ages 5 – 17 years (until their 18th birthday) with complex needs during the school holidays and at the weekends.
- 4.8. Lot 2 provides specialist residential short break services to children and young people with complex needs ages 8 – 17 years (until their 18th birthday) during the school holidays and every weekend, except during the bank holidays.
- 4.9. Children and young people attending these activities are grouped according to their age and developmental needs. There are two age group categories for both primary and secondary school age children and young people. Though many of the children attending these services require a 1:3 staff ratio; a number of children require 1:2 or 1:1 staff ratio. The level of staff ratio a child requires is based on an assessment of need and as requiring additional staffing support.
- 4.10. Through their attendance at these schemes children and young people have benefited by participating in group activities in a social settings, enabling them to develop

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friendships outside of school. Attendees have participated in varied experiences which have provided them with the opportunity to develop confidence and independence. Examples include accessing community based activities like cooking which has taught them safety awareness in the kitchen the importance of having a healthy and nutritious diet.

- 4.11. The number of children and young people who attend the services for the past four years are detailed below.

Service	2019	2020	2021	2022
Weekend	24	26	22	25
Overnight Residential	14	14	16	17
School Holiday	21	17	18	19

- 4.12. There is an expectation that any new provision will be registered as a children's home and will be required to function and comply with The Children's Homes (England) (Amendment) Regulations 2018 and the Children's Homes (England) Regulations 2015.
- 4.13. In line with The Children's Homes Regulations, inspections will be undertaken each month by an Independent Visitor (who is not directly employed by the organisation). The Independent Visitor monthly report will be submitted to Ofsted and to the CYP Directorate within Lewisham Council.
- 4.14. The residential provision will also be subject to two unannounced Ofsted inspections a year. These inspections monitor the quality of the provision and compliance with The Children's Homes Regulations and will include feedback from service users and their families as well as from CWCN staff. The most recent inspection took place on July 2021 and the home was given a judgement of Good by Ofsted. Any recommendations from Ofsted reports are followed up during performance meetings with the service manager and outcomes monitored.

5. Proposed Service Specification

- 5.1. In order to meet the requirements outlined in the 'short break duty,' the council aims to ensure that disabled children and young people and their families will have a range of short break services available to them.
- 5.2. The Children with Complex Needs service aim to tender a framework of short breaks services for children and young people with complex disabilities with the aim of providing them with the opportunity to:
- Spend time away from their parents and carers
 - Relax and have fun with friends
 - Develop their skills and their ability to become as independent as possible.
- 5.3. It is also intended to provide their parent/carers with the opportunity:
- have a break from their caring responsibilities

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- rest and unwind
- spend time with other members of their family
- develop their understanding and confidence to be able to continue caring for their child or young person

Duration:

- 5.4. The Contract will be established for an initial period of three years with an option to extend for a further period of two years taking the contract term to a maximum of five years. The Contract is intended to start on 1st September 2022 or as otherwise agreed.
- 5.5. Any extension to the Contract will be agreed between London Borough of Lewisham and the Supplier. It is likely that London Borough of Lewisham will seek the Supplier to demonstrate improvements and/or price reductions before considering an extension. For any extension(s) to the Contract, discussions with the Supplier shall be conducted sufficiently far in advance of the contract expiry date to arrive at an agreed position.

Services:

- 5.6. Under the short breaks framework, a range of providers can tender to deliver one or both of the short breaks provisions outlined below:
- Lot 1: Holiday (during school holidays) and Weekend (Saturday and Sunday) care and support.
 - Lot 2: Residential care and support.
- 5.7. Outlined below are specific requirements that are to be met for each provider for Lot 1 and Lot 2.
- 5.8. The provider of Lots 1 and 2 would need to offer the service within a reasonable distance for families to be able to travel. This will be clarified in the method statements provided for the procurement and will be informed by consultation with families.

Lot 1: Holiday (during school holidays) and Weekend (Saturday and Sunday)

Statutory Requirements

- 5.9. The Service Provider must have a named 'Registered Manager' who is registered with Ofsted prior to the service start date.
- 5.10. The Service Provider must ensure that the Council is provided with a copy of its Ofsted inspection reports for the registered service, as soon as they are received from the inspection body.
- 5.11. The Service Provider must formally notify the Council of the outcome of its inspections and shall raise any issues identified during the Ofsted inspections, at the subsequent contract meetings.
- 5.12. The Service Provider must formally notify the Council, if it at any time it receives verbal or formal notification from Ofsted that the Service is to be deregistered or inspection rating downgraded.

Service users

- 5.13. The provider must meet the need of children and young people from 5-17 years (until

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their 18th birthday).The provider must establish a system where child and young people can be grouped accordingly to their age and developmental needs.

- 5.14. The provider is expected to meet the needs of up to 40 families with weekend and holiday provision. The provider is required to be flexible, and the above may be subject to change during the contract period, on negotiation between the Council and the provider.

Opening times

- 5.15. The provider will be expected to provide a specialist short break provision during the school holidays and every weekend, except during the Christmas bank holidays.

Premises and Equipment

- 5.16. The provider will be expected to provide their own building that is in good condition, suitable and accessible to meet the needs of children and young people with complex needs.
- 5.17. The premises must be well designed to ensure the health and safety of the children and young people and that it provides sufficient space to meet their needs. The provider will be responsible for ensuring compliance with legislative requirements in relation to their premises including health and safety, safeguarding, business continuity, fire regulation, public liability, and food hygiene.
- 5.18. The buildings from which services are delivered, and all services themselves, will be Ofsted registered as required prior to delivery of the service and during the full period of service delivery at that building.
- 5.19. There should be car parking with disability access available for the service users.
- 5.20. Appropriate equipment must be available within the short break environment to fulfil the identified individual needs of the children and young people and in order to offer a range of age appropriate and exciting activities.
- 5.21. The provider must ensure the regular maintenance and upkeep of the building and any equipment as part of the contract.

Catering

- 5.22. The provider must have facilities to be able to cook hot nutritious meals for the children and young people during their placements. Service users should have food appropriate to their normal diets and be given time and assistance by staff to ensure that mealtimes are enjoyable.

Transport

- 5.23. In most cases parent/ carer will be expected to transport their child or young person to and from the venue. There may be occasions where the provider must provide transport for children and young people who would be unable to access the service unless transport was provided. The provider should also have access to transport to enable them to take the children and young people out on regular trips.

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Lot 2: Residential

Statutory Requirements

- 5.24. The Service Provider must have a named 'Registered Manager' who is registered with Ofsted prior to the service start date.
- 5.25. The Service Provider must ensure that the Council is provided with a copy of its Ofsted inspection reports for the registered service, as soon as they are received from the inspection body.
- 5.26. The Service Provider must formally notify the Council of the outcome of its inspections and shall raise any issues identified during the Ofsted inspections, at the subsequent contract meetings.
- 5.27. The Service Provider must formally notify the Council, if it at any time it receives verbal or formal notification from Ofsted that the Service is to be deregistered or inspection rating downgraded.

Service users

- 5.28. The provider must meet the needs of children and young people from 8-17 years (until their 18th birthday). The provider must establish a system where child and young people can be grouped accordingly to their age and developmental needs. Children and young people should be considered under the following age ranges 8 – 11 years, 11 – 13 years and 14 – 17 years.
- 5.29. The provider is expected to meet the needs of up to 45 families with residential short breaks provision. The provider is required to be flexible, and the above may be subject to change during the contract period, on negotiation between the Council and the provider.

Opening times

- 5.30. The provider will be expected to provide a residential short breaks provision during the school holidays and every weekend, except during the Christmas bank holidays.
- 5.31. The provider will be expected to start the residential placement at 13.30 and end the placement at 12.30 the next day.

Premises and Equipment

- 5.32. The provider will be expected to provide their own building with at least five bedrooms that are in good condition and suitable, with disability access to meet the needs of children and young people with complex needs.
- 5.33. The premises must be well designed to ensure the health and safety of the children and young people and that it provides sufficient space to meet their needs. The provider will be responsible for ensuring compliance with legislative requirements in relation to their premises including children homes regulations 2015, health and safety, safeguarding, business continuity, fire regulation, public liability, and food hygiene.
- 5.34. The buildings from which services are delivered, and all services themselves, will be Ofsted registered as required prior to delivery of the service and during the full period of service delivery at that building.
- 5.35. There should be car parking with disability access available for the service users.

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- 5.36. Appropriate equipment must be available within the short break environment to fulfil the identified individual needs of the children and young people and in order to offer a range of age appropriate and exciting activities.
- 5.37. The provider must ensure the regular maintenance and upkeep of the building and any equipment as part of the contract.

Catering

- 5.38. The provider must have facilities to be able to cook hot nutritious meals for the children and young people during their placements. Service users should have food appropriate to their normal diets and be given time and assistance by staff to ensure that mealtimes are enjoyable.

Transport

- 5.39. In most cases parent/ carer will be expected to transport their child or young person to and from the venue. There may be occasions where the provider must provide transport for children and young people who would be unable to access the service unless transport was provided. The provider should also have access to transport to enable them to take the children and young people out on regular trips.

6. Procurement Strategy

- 6.1. Should agreement be given to procure the service, officers will engage with a range of key stakeholders (professionals and service users) to review the service specification. This will build on existing feedback and performance information which has already been gathered from service users by members of the Short Breaks team.
- 6.2. The procurement process will be tendered via an open tender process in line with the Public Contract Regulations (2015) as per the Light Touch Regime and the Council's Contract Procedure Rules with successful providers being awarded the contract for either Lot 1 or Lot 2; or Lots 1 and 2 combined.
- 6.3. A panel will evaluate each of the tenders against the specifications outlined for Lot 1 and Lot 2, taking into consideration the quality of the service they will provide and the costs submitted for each Lot. Successful provider or providers will be awarded a contract for the service for Lot or Lots they have tendered for.
- 6.4. There is a commitment to involve parent/carers and/or children and young people in the tender evaluation process.
- 6.5. Consideration was given to insourcing the provision of currently being undertaken by the agencies on the existing framework, with the commercial contracting option being recommended. In-house delivery was not recommended as soft market testing determined that the in-house provision and other specialist schools do not have the staffing or space to safely absorb the children and young people who attend this service. Consideration of an in-house provision would need to be supported by an extensive capital programme to develop a space suitable to host the service at the current levels.
- 6.6. The tender will be advertised via the Council's online tendering system (Proactis procurement portal) publishing the opportunity onto Contracts Finder and Find a Tender service.

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Activity	Date
Family Engagement	27 th May 2022
Mayor & Cabinet approval to tender	6 th July 2022
Procurement start	29 th July 2022
Procurement end	12 th August 2022
Award Report	23 rd October 2022
Implementation	30 th November 2022

7. Financial Implications

- 7.1. The report seeks approval to tender the contracts for Lot 1 and Lot 2 of the Specialist Short Breaks Framework.
- 7.2. The cost of this contract is £630,000 and is contained within the overall service expenditure budget for Integrated Services for SEND and Complex Needs which for the 2022/23 financial year is set at £11,447,040.

8. Legal implications

- 8.1. The report seeks permission to tender for Lots 1 and 2 of the Specialist Short Breaks Framework for a period of 3 years at a cost of £1,890,000.
- 8.2. The value of the contract for overnight, holiday and weekend short breaks services contract means it is a Category A contract under the Council's Constitution (Contract Procedure Rules).
- 8.3. The Council has a public sector equality duty (under the Equality Act 2010 (the Act)). It covers nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 8.5. The duty is a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.6. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council

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must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>.

The Equality and Human Rights Commission (EHRC) has issued guides for public authorities in England giving advice on the equality duty. The 'Essential' guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9. Equalities implications

- 9.1. The Specialist Short Break services will provide satisfactory details of their equal opportunities policies which demonstrate that they meet Council policy.

10. Climate change and environmental implications

- 10.1. The Specialist Short Break services will be expected to comply with the Council's Environmental and Climate Change requirements, so as to minimise the environmental impact of the service.

11. Crime and disorder implications

Specialist Short Break services play a significant role providing positive activities for young people, keeping them safe from exploitation, anti-social behaviour or criminal activity.

12. Health and wellbeing implications

- 12.1. Short Breaks Services play a significant role in promoting the health and wellbeing of our young people. Future service will ensure that health and wellbeing outcomes are prioritised through the delivery of short breaks services, and that the impact of this provision on these outcomes can be measured.

13. Social Value implications

- 13.1. Public Services (Social Value) Act 2012 requires that the council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the wellbeing of the local area can be secured.
- 13.2. The council is also an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Lewisham pay their staff at a minimum rate equivalent to the LLW rate. Successful contractors will be expected to meet LLW requirements and contract conditions requiring the payment of LLW will be

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included in the tender documents.

14. Background papers

14.1. Mayor and Cabinet, 8 Feb 2017, Specialist Short Breaks Contract Award Report

15. Report author and contact

15.1. Paul Creech, Senior Commissioner for CYP Commissioning

15.2. Sohagi Patel, Commercial Education and Employment Lawyer

15.3. Floyd Roberts, Business Partner – Schools and DSG

15.4. Beena Patel, Senior Contracts and Procurement Officer

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