

Cabinet Meeting on Wednesday 21 July 2021

Intensive Support for Staffordshire Children with Disabilities



Cllr Mark Sutton, Cabinet Member for Children and Young People said,

“Whilst we know that families value the support they receive, we aspire to improve it further and make it easier to receive this as early as possible.

This not only helps prepare these young people for when they move into adulthood, but helps reduce the long-term demand on services.”



Cllr Jonathan Price, Cabinet Member for Education (and SEND) said,

“This proposal builds on work implemented since 2018 to develop choice, quality and value for money in the provision of support for children with disabilities. The current framework has continued to meet the needs of this group of children and young people, despite an increase in demand over that period

The key here is to redouble our efforts to ensure parents understand what support is available without a formal Social Care assessment, to allow them to continue to care for their children in a way which is sustainable for them and remains affordable for the local authority in the medium to long term.”

Report Summary:

Staffordshire County Council (SCC) has a legal duty to ensure Children’s Community Support (including Domiciliary Care) provision is in place to support children, young people with a range of disabilities who have been assessed by a suitably qualified Social Worker as being eligible for a personal care service within the family home and local community.

Providers support children and young people with a range of disabilities, including children and young people with physical and learning disabilities, autism and challenging behaviours, and many children have multiple needs. They provide a range of care packages across Staffordshire which are tailored to the specific needs of eligible children and young people.

Similarly, SCC also has a legal duty to offer a range of commissioned community short breaks opportunities, ranging from community-based breaks of a few hours, to overnight short breaks for Children with Disabilities under the Breaks for Carers of Disabled Children regulations 2011.

This programme of support is known as 'Aiming High for Children with Disabilities' in Staffordshire, and augments our in-house and commissioned Overnight Short Breaks Units, and the support of Short Breaks Foster Carers in providing the range of short breaks for children to give parents and carers a meaningful short break from their caring responsibilities in order that they can maintained for the long term.

SCC currently commissions a range of providers from across Staffordshire to deliver Children's Community Support and Short Breaks on behalf of the local authority, though these are currently commissioned and contracted as two separate support programmes. This proposal advocates the benefits of bringing these arrangements together under 1 commission, to provide more flexible, responsive support that draws on children and families' existing strengths, and focuses on development, independence, preparedness for adulthood, and cost effectiveness.

Recommendations

We recommend that Cabinet:

- a. Brings the commissioning of the previously separate arrangements for Children With Disabilities' Community Support and Aiming High 1-1 intensive support and short breaks together into one contracting arrangement, to achieve a more seamless and flexible system of support for eligible children, and one that is administratively more efficient for SCC to manage;
- b. Supports the open tender approach and implementation of a Flexible Framework (including delegated approval to relevant officers to award contracts) detailed in the costed Options Appraisal to secure the required provision at optimal Value for Money commencing from April 1st 2022;
- c. Notes the regular break clauses in the proposed contracts (2+1+1 years), which will allow time to develop joint approaches to the commissioning and procurement of this provision with Adult Social Care colleagues and other Authorities including with other West Midlands Authorities to attempt to overcome the current challenges for providers (and especially new entrants) with respect to service volumes; and
- d. Uses the first two years of the new contract to further investigate the merits and risks associated with In-house delivery of this support, and the efficacy of this model within the proposed new Children's System, as the Options Appraisal demonstrated a number of potential strengths to this approach.

Local Members Interest
N/A

Cabinet – Wednesday 21 July 2021

Intensive Support for Staffordshire Children with Disabilities

Recommendations of the Cabinet Member for Children and Young People, and the Cabinet Member for Education (and SEND):

We recommend that Cabinet:

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- c. Notes the regular break clauses in the proposed contracts (2+1+1 years), which will allow time to develop joint approaches to the commissioning and procurement of this provision with Adult Social Care colleagues and other Authorities including with other West Midlands Authorities to attempt to overcome the current challenges for providers (and especially new entrants) with respect to service volumes; and
- d. Uses the first two years of the new contract to further investigate the merits and risks associated with In-house delivery of this support, and the efficacy of this model within the proposed new Children's System, as the Options Appraisal demonstrated a number of potential strengths to this approach.

Reasons for Recommendations:

1. The preferred option identified offers the following **strengths**:
 - a. Allows access to different levels of support within one contracting arrangement
 - b. Access to a wide range of providers for families and social care professionals
 - c. Flexibility to step up/down support as required across all elements of home care and community support
 - d. More choice of service types to offer families, better tailored to their needs at any one time
 - e. Potential cost saving by eliminating any overlap of services (especially between 1:1 life skills & lower level community support for children with an assessed Social Care need)
 - f. Ability to better meet the needs of more complex children within the existing financial envelope

2. The preferred option also offers the following **opportunities**
 - a. Encourages more providers who can offer lower levels of support onto the framework, could also lead to providers wishing to 'upskill' carers to deliver more complex packages, to grow their business
 - b. Opportunities for joint working as support is stepped up and down, especially with lower threshold community-based services and family support
 - c. Encourages price competitiveness amongst providers as the number of providers who can offer support will be greater

Strategic Fit

3. This delivery of the preferred approach in this proposal supports the following outcomes, priorities, and principles within the **County Council's Strategic Plan 2018-2022**:
 - a. Outcomes - Everyone in Staffordshire will:
 - i. Be healthier and independent for longer.
 - ii. Feel safer, happier and more supported in their community.
 - b. Priorities
 - iii. Inspire healthy and independent living.
 - iv. Support more families and children to look after themselves, stay safe and well.
 - c. Principles
 - v. Encourage residents and communities to help themselves and one another.
 - vi. Be digital, using data and technology to connect, inform and support our citizens.
4. The proposal also supports the 3 core aims of the County's **Whole Life Disability Strategy 2018-2023**, which are:
 - a. To build on the strengths disabled citizens have by focusing on their skills and qualities, those of their family or carers, and those of their community. *Helping people do things for themselves* as far as possible, rather than routinely *doing things for people* is a core principle
 - b. To ensure appropriate support is available for people with a disability to maximise their independence, and prevents, reduces or delays additional needs.
 - c. To ensure that the Council can continue to meet people's eligible needs in a way that is financially sustainable.
5. Finally, the proposal supports the delivery of the 4 priorities identified within the **Staffordshire SEND Strategy 2020-2025**, namely:
 - a. We communicate well with each other
 - b. We work in partnership to meet the needs of children and young people
 - c. We ensure that the right support is available at the right time
 - d. We encourage communities to be inclusive

Statutory Requirements

6. Staffordshire County Council (SCC) has legal duties (Set out in Section 17 & 20 of The Children Act 1989, The Chronically Sick & Disabled Persons Act 1970, The Children & Families Act & SEND Code of Practice 2014, and The Breaks for Carers of Disabled Children Regulations 2011) to ensure Children's Community Support (including Domiciliary Care) provision is in place to support children, young people with a range of disabilities who have been assessed by the Children With Disabilities Social Care Team as being eligible for a personal care service within the family home and local community
7. Similarly, SCC also has a legal duty to offer a range of commissioned community short breaks opportunities, ranging from community-based breaks of a few hours, to overnight short breaks for Children with Disabilities under the Breaks for Carers of Disabled Children regulations 2011. This programme of support is known as 'Aiming High for Children with Disabilities' in Staffordshire, and augments our in-house and commissioned Overnight Short Breaks Units, and the support of Short Breaks Foster Carers in providing the legally required range of short breaks for children with a variety of eligible needs, as set out in the legislation above

NICE guidance for Children and Young People (including Learning Disabilities and Autistic Spectrum Conditions and behaviour that challenges): Service Design and Delivery.

8. The preferred approach will help the Authority deliver on the recommendations of the National Institute for Health & Care Excellence (NICE); March 2018 in seeking to offer support and for Children & Young People that is:
 - a. Community-based and close to home
 - b. Available based on need, and at short notice both in crisis and to prevent a crisis
 - c. Tailored to the needs of the person and their family or carers, taking into account the person's interests and preferences
 - d. Able to provide a positive experience for the person being supported
 - e. Able to deliver what is agreed in the education, health and care plan or care and support plan; carer's assessment; or behaviour support plan
 - f. Planned in advance wherever possible and involve people and their family members and carers visiting the service first to see if it is suitable and to get to know the staff providing it
 - g. Provided by staff who understand and respect people's cultural norms and values and their choices about personal care, private life and lifestyle.
9. The guidance states that (support providers) should work with Children & Young People in a way which is:
 - a. Personalised
 - b. Flexible
 - c. Responsive
 - d. Accessible
 - e. Reflective.

10. This is in order to:

- a. Deliver the outcomes agreed in a child or young person's education, health and care plan
- b. Provide support and interventions in line with NICE's guideline on [challenging behaviour and learning disabilities: prevention and interventions](#)
- c. Maximise life opportunities for children and young people, including by ensuring they have access to meaningful education
- d. Support smooth transitions between services in line with [organising effective care](#) in NICE's guideline on challenging behaviour and learning disabilities: prevention and interventions
- e. Support children and young people to develop skills for independence
- f. Take a positive approach to managing risk

11. Whilst NICE Guidance NG93 referred to above is focussed on Children & Young People with Learning Disabilities and Autism it should be clear that the principles apply absolutely equally to support for Children and Young People with Physical Disabilities and Sensory Impairments too.

Current Provision, Commissioning Arrangements and budget

12. SCC currently commissions 5 providers from across Staffordshire to deliver Children's Community Support and Short Breaks on behalf of the local authority. In addition, on the limited number of occasions – and almost always as a result of provider capacity or difficulties in mobilising packages for children with the most complex needs - where Children's Framework providers are unable to mobilise support/packages of care we occasionally use providers commissioned by our Adult Social Care colleagues, utilising their Home Care framework.

13. Providers support children and young people with a range of disabilities, including children and young people with physical and learning disabilities, autism and challenging behaviours. Some providers will be working with children and young people who have been assessed as having multiple needs. They provide a range of care packages across Staffordshire which are tailored to the specific needs of children, young people and families, this could include:

- a. Getting ready for school or college in the mornings
- b. One-to-one support focussed on the development of independence and preparedness for adulthood
- c. Helping with access to community-based activities and shopping
- d. Help with personal care and feeding
- e. Attending medical appointments
- f. Doing activities at home
- g. Help with preparing the child for bed, and sleep
- h. Supporting the family to establish daily routines, and to manage the care of their child independently of the support of our providers where possible

14. The 1-1 life skills programme, 'Moving Forward' currently forms part of the Aiming High Community Short Breaks programme, and comprises a maximum of 64 hours

(annually) of 1-1 support from 4 commissioned providers, focussed on the achievement of specific outcomes, and geared to help the young person with preparation for adulthood

15. Spend on this provision over the last 3 years is as follows:

Community Care spend by provider	2018/19 £m	2019/20 £m	2020/21 £m		
			Budget	Actual	Variance
AMG	£0.343	£0.287		£0.272	£0.272
Progress	£0.000	£0.008		£0.013	£0.013
Freedom	£0.097	£0.095		£0.132	£0.132
Crossroads	£0.001	£0.027		£0.046	£0.046
Non-Framework Provision	£0.201	£0.179		£0.305	£0.305
Total cost *	£0.642	£0.596	£0.565	£0.768	£0.203

In Addition:

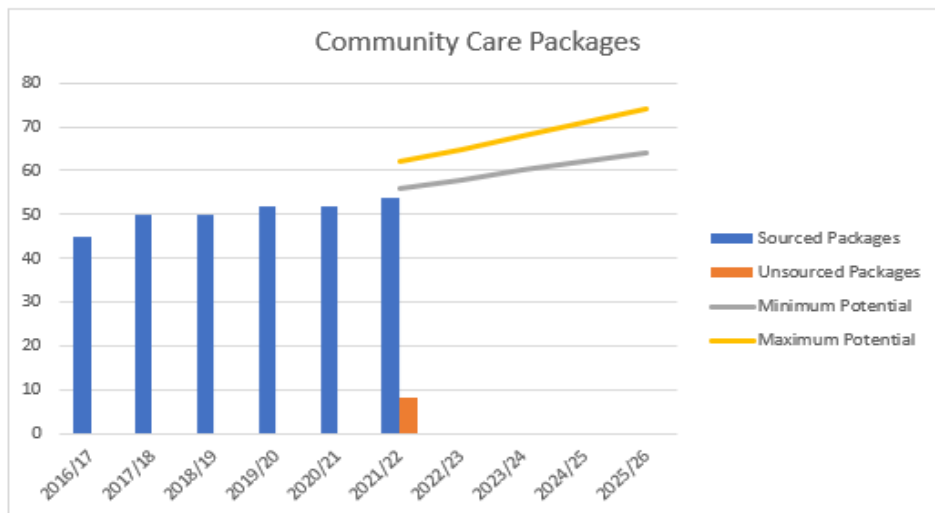
Aiming High **	£0.166	£0.248	£0.150	£0.080	-£0.070
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* The overspend of £0.2m in 2020/21 (s17 payments) was offset by other underspends in the Disability Teams budget (e.g salaries £0.1m / direct payments £0.250m). The Disability Teams budget overall in 20/21 was £4.3m vs spend £4.1m i.e. an overall underspend of £0.2m.

** spend lower in 2020/21 due to shielding (Covid-19)

Demand/projected demand

16. The table below shows demand for home care/community support over the last 4 years, and the capacity we could reasonably expect to plan for over the lifetime of this proposal. In 2020-21 56 Children & Young People are in receipt of home care and community support packages. In addition, in a typical year (2020-21 being far from typical due to Covid-19) between 80-110 young people access support through the 1-1 Life skills 'Moving Forward' programme



17. The reason the number of children requiring support has risen steadily over this period is largely due to the improvements in medical interventions and health support which are enabling some children with highly complex, life-limiting conditions to live longer than they would have done even a few years ago. It should be evident from the table in section 8 of this report above that from the point the current framework was established in April 2018 we have managed this increased demand whilst achieving efficiencies (largely due to the reduction/elimination of out-of-contract spot purchase arrangements).
18. This provision plays an extremely important part in helping reduce or prevent unplanned entry to care for children in receipt of support, by helping families sustain their own caring responsibilities. The cost of this type of care is very much more effective than residential care for example. The average cost per child for this care in 2020-21 is £13K *per annum*, which should be observed in the context of typical care costs of £3-4,000 *per week* (or more) for children's residential care.

Current Market Dynamics (and what we propose to do to overcome them)

19. The market for this provision in Staffordshire (and indeed regionally across the West Midlands, and nationally outside of London) is challenging, with huge pressure on care market provision and capacity to meet Adult Social Care needs and the (understandable) gearing of the market to meet this much greater volume of business in comparison to children's support. This has resulted in limited new entrants to the children's care market in recent years, as the limited number of

packages any one Local Authority requires limits the commercial viability of entering this market.

20. This dynamic has been exacerbated further during the Covid-19 pandemic, as (as above) adult care is a larger market which has been under immense increased pressure, and therefore it has been a priority for the market, though as we emerge from the pandemic greater stability is starting to return.
21. Further compounding these difficulties is the difficulty generally (across both sectors) in attracting people to care provision as a vocation, in what is a low wage sector.
22. We will facilitate market engagement to stimulate the market locally to encourage new entrants, by offering support with required registration and CQC statement of purpose amendments, and by joint working with Adult Social Care colleagues and neighbouring West Midlands Authorities, especially where we have providers in common to ease the market pressures above, and to make entry to this market attractive and above all financially viable for providers.
23. We will seek to remove barriers to entry to the children's community support market to ensure choice, cost competitiveness and flexibility for children with a wide range of needs arising from disability. A Flexible Framework will allow us to add suitable new entrants at pre-determined points during the lifetime of its existence (maximum of 4 years) to improve choice for families and social care professionals and encourage cost-competitiveness between providers.
24. Regular break clauses in the proposed contract will allow us to flex arrangements, or change them at earlier points if it is apparent that entering new, joint contracting relationships with wider partners would be beneficial to both service users and more cost effective for the Authority.

Overview and Scrutiny Committee oversight

25. The proposals, options considered, and recommendations above were considered by Members of the Safeguarding Overview & Scrutiny Committee Meeting held on 17 June 2021. The minutes of the above meeting have been included as **Appendix 3** (see paras under item 13) to this report for the benefit of Cabinet members in their consideration of the recommendations made above
26. The minutes include responses and reassurances in respect of the questions and concerns raised by Members of the Committee. Members were broadly supportive of the proposals with the qualifying considerations that:
 - a. proposals to use the first two years of the contract to further investigate the merits and risks associated with In-house delivery of this support, and the efficacy of this model within the proposed new Children's System be supported, particularly as the Options Appraisal demonstrated a number of potential strengths to this approach; and
 - b. that a future report be brought to the O&S Committee outlining developments with this proposal and its successes/challenges

27. Members of the committee also wished to ensure that such provision is focussed on actively supporting eligible young people towards the achievement of specified outcomes, learning goals and the acquisition of new skills, not merely passive care-giving which does not aid the development of young people in receipt of this support. The responsible commissioner would like to assure Cabinet Members that this will very much be the case, and would request that any support providers either current or future not adhering to this ethos in any individual case be reported to him straight away in order that this can be swiftly resolved.

Community Impact

28. A summary table of key risks and actions to mitigate these is included below; for full Community Impact Assessment please see list of additional Appendices as below

Risks	Mitigations / Recommendations
Securing more good quality providers who can offer support for required times in a stressed care market	<p>Panel to agree resources available</p> <p>Market engagement activity over summer 2021 and beyond to attract new entrants whilst retaining existing providers</p> <p>Working with neighbouring authorities to maximise availability/awareness of 'would be' providers</p> <p>Clear Pathways to access services</p>
Management of differing demands and provider market	<p>Develop a dynamic cohort of dual (adults/children's) CQC registered providers and link to other provisions including alternative care provision</p> <p>Contracts and monitoring to focus on stability and sustainability of varying requests.</p> <p>Development of issues log, which feeds into routine contract monitoring</p>
Care sector pay rates make alternative employment sectors more attractive	<p>Benchmarking rates across neighbouring geographical areas.</p> <p>Ensure optimal long-term <u>value for money</u> not merely 'cheapest right now' options.</p> <p>Joint working with ASC care sector to make care giving an attractive option for suitably motivated individuals</p>
Costs to small businesses/community premises to ensure DDA compliant	<p>Grants for updating accesses and use, e.g. Disability Facilities Grant</p> <p>Joint working with District and Brough Strategic Housing Leads via SILIS steering group</p> <p>Joint working with OT teams</p> <p>Joint work with schools and other community venues</p>

Risks	Mitigations / Recommendations
Ensuring everyone understands their role in meeting the needs of Children & Young People with SEND	<p>This forms a key element of the implementation of the Children's System Transformation.</p> <p>Encourage families to access universal services independently</p> <p>Develop clear DBS information and support processes</p>

Next Steps

29. Specification development & finalisation of procurement packs – July 21st -Sept 30th, 2021
30. Tenders from Providers invited for place on Flexible Framework – Oct 1st – Nov 30th, 2021
31. Tender submission deadline – Nov 30th, 2021
32. Contract Award – prior to Christmas 2021
33. Mobilisation January-March 2022
34. New contracts commence – April 1st, 2022

Legal Implications

35. The recommended proposal ensures the Local Authority is able to meet its statutory responsibilities as they apply to this type of provision (Set out in Section 17 & 20 of The Children Act 1989, The Chronically Sick & Disabled Persons Act 1970, The Children & Families Act & SEND Code of Practice 2014, and The Breaks for Carers of Disabled Children Regulations 2011. A more detailed guide for Local Authorities on this subject can be found here: [Statutory guidance on how to safeguard and promote the welfare of disabled children using short breaks \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/Statutory-guidance-on-how-to-safeguard-and-promote-the-welfare-of-disabled-children-using-short-breaks.pdf)

Resource and Value for Money Implications

36. Appendix 2, a fully costed options appraisal contains detail on the annual costs of each of the five options considered (including the recommended option) for the provision of this support. All costs have been worked up with the involvement of, and input from, our Senior Finance Business Partner.

List of Background Documents/Appendices:

- Appendix 1 - Full Community Impact Assessment
- Appendix 2 - Full costed Options Appraisal containing research behind the selection of the preferred approach
- Appendix 3 – Safeguarding Overview and Scrutiny Committee minutes extract, June 17th 2021

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