

<b>Local Members Interest</b>
N/A

## **Safeguarding Overview and Scrutiny Committee - Thursday 17 June 2021**

### **Outcome Focused 1-1 Support, and Home Care and Community Support (including Domiciliary Care) for Staffordshire Children with Disabilities**

#### **Recommendations**

I recommend that:

Following an in-depth Options Appraisal, that Staffordshire County Council:

- 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 Dynamic Purchasing System detailed in the costed Options Appraisal to secure the required provision at optimal Value for Money commencing from April 1<sup>st</sup> 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.
- 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.

#### **Report of Cllr Mark Sutton, Cabinet Member for Children and Young People**

#### **Summary**

##### **What is the Select Committee being asked to do and why?**

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.

*NB: The comments from Committee Members at the June 17<sup>th</sup> meeting of the Safe & Strong Communities Select Committee will be reported to the County Council's Cabinet at their meeting on July 21<sup>st</sup>, 2021 for them to take into account in their consideration of this matter.*

## **Report**

### **Background**

6. These service provisions have not previously been considered by the Select Committee. The bringing together of two previously separately commissioned service groups however means that the total lifetime spend on the proposed programme of support (c£2.4-£2.8M over 4 years) now exceeds the financial threshold for consideration as a Key Decision by Cabinet and also for Scrutiny.

### **Statutory Requirements**

7. 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

8. 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**

9. 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.
10. 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.
11. 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.
12. 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 and Commissioning Arrangements and budget**

13. 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.
14. 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
15. 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
16. Spend on this provision over the last 4 years is as follows:

Community Care annual spend by provider	2017/18	2018/19**	2019/20	2020/21
Total spend	617,162.90	641,647.16	596,342.52	569,385.00*

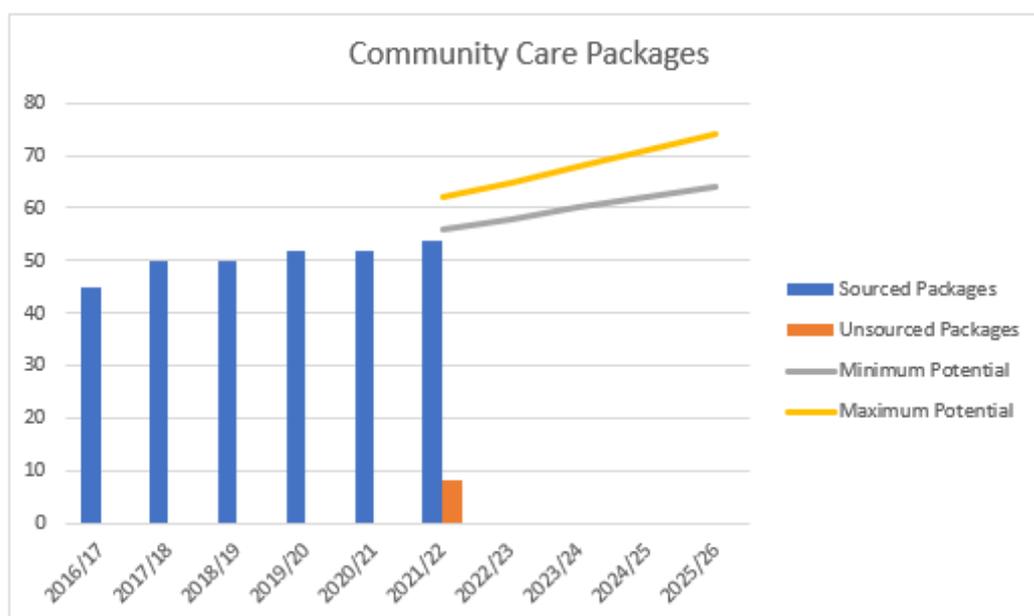
\* Note 1-1 'Moving Forward' support provision spend was considerably lower than typical levels in 2020-21 due to the curtailment of the programme due to Covid-19 and families shielding clinically vulnerable/extremely vulnerable children

\*\*Current Framework Contract established on April 1<sup>st</sup> 2018.

**NB** – Full detail on spend, broken down by provider, is included in the Options Appraisal document, attached as Appendix 2 to this report

## Demand/projected demand

17. 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



18. 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) that 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. This 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 £9877 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 Dynamic Purchasing System will allow us to add suitable new entrants at any point 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.

### **Legal Implications**

25. 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)

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## Resource and Value for Money Implications

26. 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 Nikola Mihajlovic.

## Link to Strategic Plan

27. 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

- i. Inspire healthy and independent living.
- ii. Support more families and children to look after themselves, stay safe and well.

c. Principles

- i. Encourage residents and communities to help themselves and one another.
- ii. Be digital, using data and technology to connect, inform and support our citizens.

28. 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.

29. 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

### **Link to Other Overview and Scrutiny Activity**

- a. Staffordshire Whole life Disability Strategy 2018-2023 (Joint scrutiny arrangement convened April 2018)
- b. SEND Strategy (scrutiny January 2021)
- c. SCC Adult Social Care Community Offer (scrutiny via Healthy Staffordshire Select Committee 2020)

### **Next Steps**

- a. Tabled for discussion at Safe and Strong Communities Select Committee, June 17<sup>th</sup>, 2021
- b. All comments and feedback submitted alongside final Cabinet Papers following the above
- c. Corporate SLT - final comments – June 28<sup>th</sup> 2021
- d. Cabinet – July 21<sup>st</sup>, 2021
- e. Specification development & finalisation of procurement packs – July 21<sup>st</sup> -Sept 30<sup>th</sup>, 2021
- f. Tenders from Providers invited for place on Dynamic Purchasing System – Oct 1<sup>st</sup> – Nov 30<sup>th</sup>, 2021
- g. Tender submission deadline – Nov 30<sup>th</sup>, 2021
- h. Contract Award – prior to Christmas 2021
- i. Mobilisation January-March 2022
- j. New contracts commence – April 1<sup>st</sup>, 2022

### **Community Impact**

30. 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.

<b>Risks</b>	<b>Mitigations / Recommendations</b>
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>

Risks	Mitigations / Recommendations
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>
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>

### List of Background Documents/Appendices:

Appendix 1: Full Community Impact Assessment for this proposal

Appendix 2: Full costed options appraisal containing research behind the selection of the preferred approach

### Contact Details

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