

CABINET

15 DECEMBER 2009

Cabinet member: Councillor Lionel Grundy – Children and Education

**COMMISSIONING REGULAR ACTIVITY AND HOLIDAY CLUBS FOR
CHILDREN AND YOUNG PEOPLE WITH A DISABILITY**

Executive Summary

The Government has signalled its intention to impose a new statutory duty on Local Authorities to provide short breaks to children and young people with a disability and their families from 31 March 2011. Additional revenue and capital funding has been allocated to support the transformation of existing services between 2009 and 2011 to enable delivery of the provision in accordance with the statutory obligation.

Wiltshire Council and NHS Wiltshire, in conjunction with the Wiltshire Parent and Carers Council, undertook a needs analysis and service review before publishing a Commissioning Strategy for the transformation of short breaks services. One of the commissioning priorities included was to conduct a tender to transform the existing Saturday and Holiday Club services to address the inconsistent service quality and increase capacity.

The disinvestment and reallocation of existing resources to this project will impact upon council employees who will be protected by TUPE provisions and subject to the TUPE process therefore Cabinet approval is required. This will affect up to 38 employees on casual “nil hours” contracts, one member of staff on a fixed term contract, four members of staff on permanent part-time contracts, two members of staff on sessional contracts and one member of staff on a term time contract.

This will meet the aim of the Commissioning Strategy through tendering for regular activity and holiday clubs across Wiltshire on a three year contract (optional extension year) at an annual value of £230,000 per annum, plus Capital funding of £72,000. Total value £992,000.

The key milestones are an award decision mid January 2010 and the new service(s) to commence 1 April 2010.

Proposal

That Cabinet approves the procurement of regular activity and holiday clubs, as the procurement involves the potential transfer of council employees to an external service provider,

Reason for Proposal

To meet the requirement of Government and the aspirations of children and young people with a disability and their families by securing consistently high quality, flexible, accessible and available services across the County. To maximise the benefit from the existing and additional investment by allowing bidders to deploy the resources as innovatively and effectively as they can through tendering against an outcome based service specification.

Carolyn Godfrey

Director – Department for Children and Education

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Purpose of Report

1. This report seeks Cabinet approval to enter into a contract or contracts as a result of a tender exercise for the provision of Regular Activity and Holiday Clubs for children and young people with a disability. The current plan is for award decisions to be made in January 2010 and the new services to commence 1 April 2010.

Background

2. Wiltshire Council and NHS Wiltshire published a Commissioning Strategy for 2009-2011 to plan the way services would be developed to meet the aims outlined in "Aiming High for Disabled Children : better support for families (May 2007)". That agenda covers the transformation of a wide range of services both accommodation and community based. This includes planning for the reallocation of existing investment as well as investment of the additional funding made available to Wiltshire between 2009 and 2011.
3. The strategy was developed by a development group comprising two officers each from the council and NHS plus four parent representatives. There were a number of consultation events to seek the views of parents and carers as well as children and young people with a disability.
4. Existing Saturday and Holiday clubs are run by the Children's Disability Teams (CDT). The service review discovered significant variations in services across the county and that not enough children and young people with a disability were accessing them. An intention to develop and tender for a new service to address this requirement was stated in the strategy.
5. Services will be sustained into 2013/14 under this exercise, helping the council to meet the new statutory obligation to provide appropriate short breaks services.

Main Considerations for the Council

6. To preserve the tender schedule approval was sought to start the process from the lead member for DCE. This approval was given subject to the tender clearly indicating that cabinet approval was in the process of being sought and that no contract would be awarded with that approval.

- 7 The main consideration is that the current services are delivered by the three CDTs. This is undertaken using some staff on permanent contracts who both administer and support delivery of services, as well as sessional staff on casual contracts who work at the clubs. TUPE will apply to those staff and which means that all staff will transfer to the new service provider. However there is the possibility of redundancies, if the new provider does not require that resource to deliver the services. Consequently even though the responsibility for the staff will transfer it is not unusual for negotiations to be entered into relating to the cost of potential redundancies in the early stages of the tendering process.

Environmental Impact of the Proposal

- 8 There are no adverse environmental impacts anticipated as a result of this tender. The service model includes an objective and outcome to reduce the distance that children and young people with a disability have to travel to access services, which might lead to a positive impact through reducing transport.

Equalities Impact of the Proposal

- 9 The service being tendered is a service which will contribute to inclusion and participation for children and young people with a disability and would meet our obligations under the disability equality scheme as well as promote their quality of life chances.

Risk Assessment

10. If this tender does not proceed there is a risk that we will not be able to commit the government provided funding and will have to return it.
- 11 If the services are not transformed, fewer children and young people with a disability will be able to access short breaks and this will:
- a) Reduce their opportunity to have social and personal recreation time with their peers affecting their quality of life and life chances
 - b) Increase pressure on the family and carers

Financial Implications

- 12 Existing resource of £100,000 per annum plus additional revenue funding of £130,000 and £72,000 capital funding has been allocated to this tender.
- 13 Additional resources for 2010/11 will come from the Aiming High: Short Break Transformation Programme (ring-fenced) funding allocation. There is to be a statutory duty on LAs to provide short breaks from 1.04.11. It is anticipated that further funding will be made available to each LA to support the statutory duty from beginning of the financial year 11/12.
- 14 In addition to which, it is anticipated that the provision of more and better short break services will ease the pressure on many families and this is

likely to contribute to reducing pressure on out of county placement budgets.

Legal Implications

- 15 TUPE will apply to those staff already identified. The TUPE process will be followed in order to protect staff affected by these new arrangements and in order to comply with our legal obligations. HR and legal have been instructed and are supporting the process.

Options Considered

16. This tender was identified as a requirement in the commissioning strategy. The only options considered for the tender were:

a) A single tender for a county wide service

b) A tender based upon 4 geographical areas (North, South, West and Kennet), where from one to four contracts may result

The second option was selected as it allowed consideration of bids from local organisations that may not be able to bid for the whole service, while also allowing a bidder to tender for all four lots and deliver a seamless service across the County.

Conclusions

17. This procurement is the best solution to implement the stated intentions of the council in its commissioning strategy and will deliver improved services to children and young people with a disability. Cabinet Approval is sought to proceed to award of contract assuming acceptable tenders are submitted.

Report Author: Greg Lewis, Senior Contracts Officer, 01225 713653
greg.lewis@wiltshire.gov.uk

01 December 2009

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

None
