

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Lead Member for Children's Services
Date:	25 July 2014
Title:	Children with Disabilities Public Consultation Approval
Reference:	5933
Report From:	Director of Children's Services

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1. Executive Summary

- 1.1. In January 2014, the Executive Lead Member for Children's Services considered a proposed budget for the Children's Services Department for 2014/15, subsequently approved by Full Council on 20 February 2014 in setting the Council Tax precept. The Children's Services Department must now take steps to live within the parameters set for it, and the purpose of this report is to seek approval to initiate a public consultation for twelve weeks, commencing in September 2014, on proposals developed for the short break programme and the delivery of overnight short breaks. Proposals are currently being developed in response to the objective of reducing the children with disability budget by £2.5 - £3.5 million, as described in the "Children's Services Revenue Budget 2014/15" paper published on 14 January 2014.
- 1.2. The proposals will describe changes to the delivery mechanisms of the short break programme, potentially including the introduction of eligibility criteria in order to ensure an equitable distribution of services, designed to target those children and young people most in need.

2. Contextual information – Short Break Programme

- 2.1. The current budget for discretionary short break activities is £3.1 million, of this amount over £2.8 million is delivered in grants to organisations for the provision of open access short break services all over Hampshire. The proposal is to reduce this budget by £1.85 million and possibly introduce eligibility criteria in order to ensure that services are targeted at those children and young people most in need.
- 2.2. County Councillors from the Children and Young People Select Committee have formed a Task and Finish Group to scrutinise the proposals and are

currently in the process of producing a report with their recommendations.

This report will be considered by the Select Committee on 23 July 2014 with a view to presenting it to the Executive Lead Member for Children's Services for consideration. This work will continue to inform the development of proposals alongside the pre-engagement with stakeholders from across the sector.

- 2.3. The Breaks for Carers of Disabled Children Regulations 2011 bring into effect Paragraph 6 (1) (c) of Schedule 2 to the Children Act 1989 (inserted by Sn.25 of the Children and Young Persons Act 2008), requiring local authorities to provide services to assist individuals who provide care for disabled children to continue to do so, or to do so more effectively, by giving them breaks from caring.
- 2.4. The Regulations state that "a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed".

The Regulations also define short breaks with the caveat that provision shall be made, in so far as is reasonable and practicable, for a range of services which are sufficient to assist carers to continue to provide care or to do so more effectively. In particular the local authority must provide, as appropriate, a range of: day-time care in the homes of disabled children or elsewhere; overnight care in the homes of disabled children or elsewhere; educational or leisure activities for disabled children outside their homes; services available to assist carers in the evenings, at weekends and during the school holidays

- 2.5. It should be noted that the Breaks for Carers of Disabled Children Regulations do not displace the Council's duty to provide services under Sn.17 and Sn.20 of the Children Act 1989, and are therefore supplementary.

3. Contextual information – Overnight Short Breaks

- 3.1. Hampshire County Council Children's Services currently operates three residential short break units, Merrydale in Kings Worthy, Winchester, Firvale in Basingstoke and Sunbeams in Aldershot.
- 3.2. In addition, Hampshire County Council Children's Services operates a Framework Agreement with five providers to purchase additional overnight residential short breaks.
- 3.3. Proposals are being examined to determine whether there is a more cost effective way of delivering these services and establish feasibility. Primarily, this means a review of current provision to determine what the capacity of the current overnight residential provision is in Hampshire and ensure that we are maximising our use of it in the most cost effective way. This is not to reduce the current level of provision offered but to achieve that same level at reduced cost. Overnight short breaks are provided under the provisions of s.17 and s.20 of the Children Act 1989 as amended by the Care Planning, Placement and Case Review (England) Regulations 2010.

4. Contextual Information – Public Consultation

- 4.1. This paper seeks approval to initiate a twelve week public consultation, commencing in September 2014, on the proposals for changes to the short breaks programme and a change in the delivery of overnight short breaks.
- 4.2. The proposals and consultation have been planned over a period of pre-engagement with key stakeholders to shape the detail and process, including the use of focus groups to test out the presentation of information and the design of the questions for different groups of stakeholders.
- 4.3. The consultation programme for children and young people will involve working with current providers and independent facilitators to offer the children and young people a variety of methods and opportunities to contribute their views. This will include numerous communication methods, group feedback and individual submissions.
- 4.4. The consultation programme for parents/carers and other key stakeholders will include a variety of opportunities and mechanisms for the submission of views and opinions via structured consultation questionnaires, public meetings and others.
- 4.5. Alongside the public consultation, a staff consultation will be underway with any staff potentially affected by the proposals and their union representatives. This consultation period will run for the same period of twelve weeks and if appropriate a period will be identified for staff to be invited to express interest in voluntary redundancy during this time.
- 4.6. The outcome of the consultation and the finalised proposals will be determined in January 2015 when the Executive Lead Member for Children's Services will consider them.

5. Finance

- 5.1. The financial context driving these changes is the requirement that Hampshire County Council has to identify £93 million in savings by April 2015. This is in addition to the £130,000,000 already identified from the last government grant reduction where frontline children with disability services were protected in full. For Children's Services, this equates to a further £26 million of which, as stated above, £2.5m - £3.5m is allocated against children with disability services.
- 5.2. If the consultation does not proceed within the timescales detailed in this report, the achievement of the required savings by the authority may be at risk.

6. Recommendation(s)

- 6.1. That the Executive Lead Member for Children's Services approves the initiation of a public consultation for twelve weeks, commencing in September 2014, on proposals to implement a new short break delivery programme including the creation of eligibility criteria to determine equality of access to

the programme. The consultation will also consider the proposals for alterations to the delivery of overnight short breaks if required.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes/no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes/no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes/no
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:	
<i>NB: Only complete this section if you have not completed any of the Corporate Strategy tick boxes above. If it is not applicable, please delete.</i>	

NB: If the 'Other significant links' section below is not applicable, please delete it.

Other Significant Links

Links to previous Member decisions:		
<u>Title</u> Children's Services Revenue Budget 2014/15	<u>Reference</u> 5445	<u>Date</u> 22 January 2014
Direct links to specific legislation or Government Directives		
<u>Title</u> Breaks For Carers of Disabled Children Regulations The Children Act		<u>Date</u> 2011 1989

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

Access to Specialist Services for Disabled Children	http://hantsfile.it2000.hants.gov.uk/LinkViewer/LinkViewer.aspx?PIDv1=90%203%20ICM8%20ICMNLSD10%20DOC%5FBIN%5F0859%2026%20A1001001A12E22B11926F1848518%20A12E22B11926F184851%2014%201254
Short Breaks: Statutory guidance on how to safeguard and promote the welfare of disabled children using short breaks	https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00183-2010
Short Breaks: Advice for Local Authorities	http://media.education.gov.uk/assets/files/pdf/s/short%20breaks%20-%20advice%20for%20local%20authorities.pdf

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

- 1.1. An equality impact assessment is currently being undertaken on the proposals to be consulted upon.

2. Impact on Crime and Disorder:

- 2.1. There is no identifiable impact on crime and disorder.

3. Climate Change:

- 3.1. How does what is being proposed impact on our carbon footprint / energy consumption?
- 3.2. The consultation is not anticipated to have any impact on our carbon footprint / energy consumption.

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?
- 3.3. This is a time limited public consultation and does not have any long term impact on climate change or its longer term impacts.