

**SURREY COUNTY COUNCIL****CABINET / SURREY CLINICAL COMMISSIONING GROUPS****DATE: 23 SEPTEMBER 2014****REPORT OF: MRS MARY ANGELL, CABINET MEMBER FOR CHILDREN AND FAMILIES****LEAD OFFICER: NICK WILSON, STRATEGIC DIRECTOR, CHILDREN SCHOOLS AND FAMILIES****DIANE MCCORMACK, HEAD OF CHILDREN WITH COMPLEX AND SPECIALIST HEALTH NEEDS INCLUDING CAMHS, GUILDFORD AND WAVERLEY CCG****SUBJECT: JOINT STRATEGIC REVIEW OF SHORT BREAKS FOR CHILDREN AND YOUNG PEOPLE WITH DISABILITIES****SUMMARY OF ISSUE:**

1. The Joint Strategic Review of Short Breaks was a joint project between Surrey County Council (SCC) and NHS Guildford and Waverley Clinical Commissioning Group (CCG) on behalf of the six Surrey CCGs. The scope of the review was to look at the provision of short breaks for children and young people with disabilities in Surrey.
2. The key area of this review considered options for the future use and funding of short break services in east Surrey. The review focused on Applewood which is located in Tadworth and run by SCC; and Beeches which is located in Reigate, commissioned by the NHS Surrey CCGs and provided by Surrey and Borders Partnership NHS Foundation Trust (SABP).
  - Both facilities are in the east of the county.
  - Both facilities are underused.
  - Beeches is funded by Surrey CCGs, however statutory responsibility sits with Local Authorities under the Short Breaks Regulations 2011.
  - All 15 children and young people who access Beeches have assessed social care needs and disabilities.

**RECOMMENDATIONS:**

3. It is recommended that:
  - I. The responsibility for funding short break services for children and young people currently accessing Beeches will transfer from Surrey Clinical Commissioning Groups (NHS) to Surrey County Council.
  - II. Surrey County Council continues to run Applewood as a short break service.
  - III. Beeches remains as an option for families through their personal budgets by direct payments or arranged by Surrey County Council rather than the current block contract arrangements, subject to agreement with Surrey and Borders Partnership NHS Foundation Trust (who run Beeches).
  - IV. Surrey County Council and NHS Guildford and Waverley CCG work with Surrey and Borders Partnership to transfer commissioning arrangements to individual spot purchases at a fair price.
  - V. Surrey County Council continues to develop options for the use of personal budgets with families either through direct payments or arranged by SCC.

## **REASON FOR RECOMMENDATIONS:**

4. Overnight short breaks are a positive experience for children and young people with disabilities to spend time away from their parents, relax and have fun with their peers. They are also a lifeline for many families giving parents a break from the day and night care for their child. They give siblings an opportunity to spend some quality family time with their parents. SCC and NHS Guildford and Waverley CCG are committed to ensure that this type of support continues to be available.
5. The recommendations acknowledge that:
  - Both Applewood and Beeches have capacity to deliver services to a wider group of children at this point in time; both are highly valued by the families and young people who use them.
  - Local Authorities are responsible for funding short breaks for children with social care needs and disabilities. The recommendations allow an opportunity to correct a historic financial legacy where the CCGs in Surrey inherited responsibility to fund Beeches although children were referred by SCC but required an assessed Health need.
  - All 15 children who access Beeches have assessed social care and disabilities needs.
6. The recommendations take into account the views expressed by the parents, carers and professionals and the desire to find a solution that enables ongoing access to both Applewood and Beeches facilities.
7. Given the current underuse of Beeches, it would not be good value for money for SCC to purchase the service through a block contract in addition to funding Applewood. The recommendation made is therefore to start negotiations with NHS Surrey and Borders Partnership Foundation Trust to establish whether they would continue to deliver Beeches once the NHS block contract ceases by agreeing to individual purchasing of placements at a market rate that acknowledges any complexity of need.
8. The CCGs could consider redirection of funding currently used for block contract of Beeches to support a wider range of children and young people through investment in Community Nursing, Therapies or other healthcare services for children if this funding is released.
9. SABP would continue to own and run Beeches.

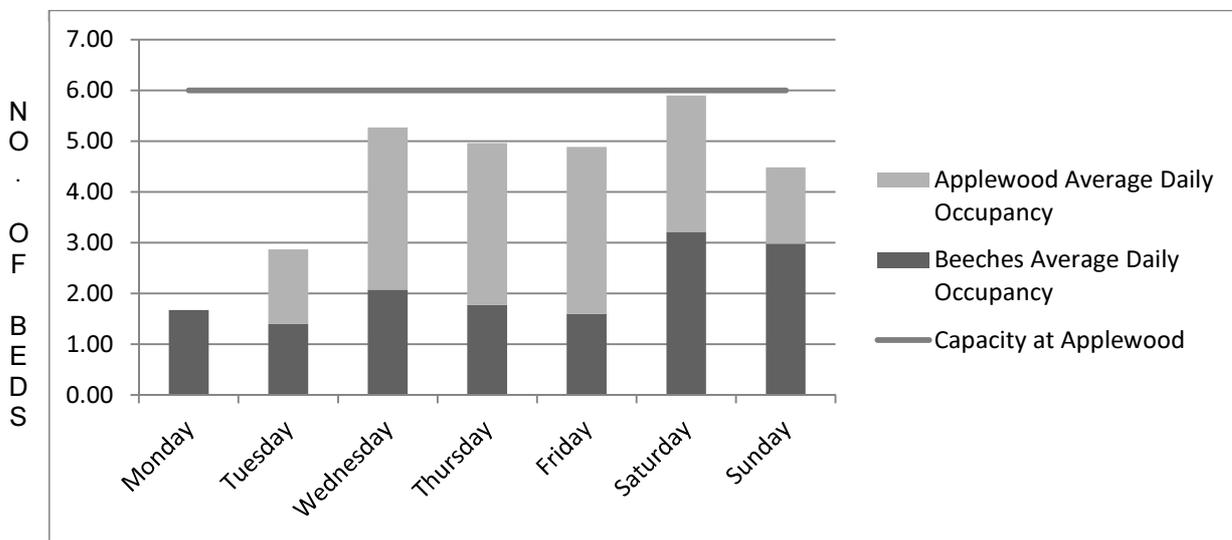
## **DETAILS:**

### **Business Case**

10. Surrey County Council has a statutory duty to provide short breaks under the Short Breaks Regulations 2011 (see recommendation 3.1). This legislation states that local authorities have to “offer short breaks as a preventive, early intervention service; offer a range of services for parents and publish a statement of those services to parents and families”.
11. The Children and Families Act 2014 sections on Special Educational Needs and Disability extends the SEN system from birth to 25. This gives children, young people and their parents greater control and choice in decisions and ensuring needs are properly met by;
  - replacing old statements with a new birth- to-25 education, health and care plan;
  - offering families personal budgets; and
  - improving cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together.
12. Surrey County Council’s Children’s Services spends £8.4m per year on short breaks for children and young people with disabilities (2013/14). Surrey County Council invests significantly more in short breaks than many other local authorities and it continues to be a priority for the Council.

13. The Joint Strategic Review was a joint project between Surrey County Council and NHS Guildford and Waverley Clinical Commissioning Group (CCG), on behalf of the six Surrey CCGs. This review considered by Cabinet on 4 February 2014. The review focused on options for the future use and funding of Applewood (funded and provided by SCC) and Beeches (commissioned by CCGs and provided by an NHS organisation). Both facilities are on the east of the county; both facilities are underutilised; and Beeches is funded by CCGs, although statutory responsibility for the provision of short breaks for children with social care needs and disabilities sits with Local Authorities.
14. A public consultation was undertaken between 24 February and 24 May 2014 to look at potential options for both services. 275 people responded to the online consultation and 10 consultation meetings were held across the county. An independent consultant was commissioned to analyse the feedback from the survey (see Annex 2) and this has formed part of an Equality Impact Assessment (EIA) see Annex 1. The EIA responds to themes raised during consultation and identifies areas for action. The main issue highlighted is a desire for families to maintain access to both provisions rather than the merger or closure of either service.
15. Applewood now works with 30 families to provide short break services. The number of children accessing Beeches is 15. Out of the 45 children using Applewood and Beeches, 15 young people will be in transition to Adult Services (17 years of age or above) by the time any recommendations are implemented (SABP require a 12 months' notice period).
16. There remains capacity within either Applewood or Beeches to accommodate children and young people from both provisions (see Table 1). The merger and or closure of the two services therefore were considered as part of the Review.

**Table 1: Average day care and overnight combined occupancy by day of the week from April 2013 – March 2014**



17. From September 2014, Education, Health and Care Plans will be introduced for children and young people with SEN and disabilities who meet the eligibility criteria. A Resource Allocation System (RAS) is being implemented by Surrey County Council Children with Disability Teams to provide eligible families with a Personal Budget. Families will use their Personal Budgets to fund services directly, via direct payments or services can be arranged by SCC if families do not wish to purchase services directly.
18. It is recommended that SCC continues to run Applewood Short Breaks Unit for the following reasons Applewood:

- Is owned by SCC and is a new purpose built centre (opened in 2010); providing a modern resource equipped to accommodate a wide range of need.
  - Is in a location families find accessible, close to Special Schools; is in east Surrey.
  - Has a workforce experienced in managing children with complex needs.
19. Beeches is a short breaks service provided by SABP. It is currently funded via a block contract held by NHS Guildford and Waverley on behalf of the 6 Surrey CCGs for the approximate value of £565,000 per annum. As with other short break facilities, referral to Beeches is via Surrey County Councils' Children with Disabilities Team. Beeches is:
- Is in a location families find accessible, very close to a Special School; in east Surrey.
  - Has a workforce experienced in managing children with complex needs.
20. It is recommended that SCC continues to provide overnight short break provision in the east of the county. There is insufficient capacity within the market to provide overnight short breaks and the current block contracts with Cherry Trees and White Lodge would have insufficient capacity to take children from both Beeches and Applewood. Cherry Trees and Whitelodge are located in the west of the county which would increase travel time and costs for families.
21. A risk of not providing an overnight short break service is that families could break down and their children would need to be looked after. This would not be a good outcome for those children and young people and would cost the Council considerably more (a typical cost of a 52 week social care placement is £169,000 per year without additional 1:1 costs).

## **CONSULTATION:**

### **Consultation Process**

22. A 'Parent/Carer Panel' consisting of parents whose children attend either Beeches or Applewood was set up in November 2013. The Panel aimed to engage parents and carers in the co-design the public consultation process and ensure an ongoing dialogue about any potential impacts of the Review. A parent representative chaired this Parent/Carer Panel, with officers from SCC and NHS Guildford and Waverley in attendance.
23. A report was taken to Cabinet on 4 February 2014 with details of the Joint Strategic Review to gain approval to go out to public consultation on future options for Beeches and Applewood. The public consultation was undertaken between 24 February and 24 May 2014. 275 people responded to the online consultation and 10 consultation meetings were held across the County in Special Schools, Applewood, Beeches and with special interest groups including:
- Applewood parents.
  - Beeches parents.
  - Brooklands School, Reigate.
  - Clifton Hill, Caterham – two consultation meetings.
  - Woodlands School, Leatherhead.
  - Manor Mead and Walton Leigh at Manor Mead School, Shepperton.
  - Portesbury School, Camberley.
  - East Surrey Mencap.
  - Community Learning Disability Team, NHS Surrey and Borders Partnership NHS Foundation Trust.
  - Open days at Beeches and Applewood for parents to visit.
24. The public consultation survey was piloted with the Parent Carer Panel prior to the launch of the consultation.

25. The public were asked to respond on the following options as part of the process:

Options		Detail
a) Either select <b>TWO</b> options, one Applewood (A) and one Beeches (B) option	A1:	Applewood remains open and Surrey County Council develops an improved in-house service.
	A2:	Surrey County Council closes Applewood and makes alternative provision for children and young people who use the service.
	A3:	Surrey County Council outsources the management of Applewood, to a private or voluntary organisation.
	B1:	Beeches remains open and responsibility for future commissioning and funding of the service transfers to Surrey County Council.
	B2:	NHS decommissions Beeches, funding is reallocated to meet the health needs of children and young people with disabilities in the community. Care packages for children using the service transfer to alternative providers.
b) Or choose combined option	C1:	Decommission both Beeches and Applewood and develop a new service based on Applewood or an alternative site.
c) Or state your own idea	Other (please state)	
d) Or don't know	Don't know	

26. Respondents were encouraged to send their responses via post or e-mail if they were unable to fill in the online survey. These responses were added to the online feedback.

**Feedback During the Consultation Period – Issues Raised and Actions Taken**

27. The Parent Carer Panel raised a number of issues from the start of the Review process. The details of these issues and actions taken include:-

- **The Under-10 Principle.** When the Joint Strategic Review began SCC was working to a principle that family based care should be the first option for children under 10 years of age and access to residential short breaks should only happen in exceptional circumstances. Parents were concerned this principle was unique to Surrey and felt adversely affected. Surrey County Council has accepted that access to residential short breaks should be based on the assessed need of each individual child or young person and not age.
- **Consultation Period was too short.** As a result of feedback from the Parent Carer Panel the public consultation period was extended from 24 April 2014 until 24 May 2014 to enable the review team to consult widely with Special Schools (taking into account of the Easter Holiday period).
- **Access to Play and Leisure Services.** Parents told the review team that they were unable to attend play and leisure services due to the complex needs of their children. As part of the development of a Short Breaks Framework and tender of short break contracts Surrey has specified that providers need to accommodate children and young people with more complex needs and provide at least 40% 1:1 spaces.
- **Independent Evaluation.** The Parent Carer Panel requested that an independent party should evaluate the feedback from the consultation. Surrey County Council and Surrey

CCGs commissioned an independent consultant from Qualitative Data Analysis Services (QDAS) and Surrey University to analyse the feedback from the survey and the ten consultation meetings and to produce a report with the key findings (See Annex 2).

- **To hold consultation meetings in Special Schools** – through feedback from the Parent Carer Panel, parents felt strongly that Special Schools should be engaged with as part of the review. As a consequence meetings were held in six Severe Learning Disability (SLD) Schools including 2 meetings at Clifton Hill School.
- Arranged for a **parent representative to sit in all consultation meetings in Special Schools**.
- Some parents said that they had not had the opportunity to visit Beeches or Applewood. Subsequently **open days were arranged at Beeches and Applewood**. Parents wanted to ensure officers understood how busy facilities were at weekends. The lead officer, Ian Banner from SCC, visited Applewood and Beeches on a bank holiday weekend in May to see how the services operate during busy periods. The visit established that both services were providing valuable support to young people who had high levels of support needs, however there was capacity within both units.

#### **Feedback from Consultation – issues raised and actions taken:**

28. The main theme from the consultation was that the majority of respondents want to **keep both Applewood and Beeches open**. Reasons to maintain both provisions were cited as:

- *Consistency of routine and familiarity of the facilities and staff for children, young people and their families.*
- *Ease of transport, with facilities located conveniently.*
- *Value of safe overnight respite to families.*
- *Many describe their overnight respite option as a "lifeline" and their only option for ever having a sense of normalcy at home, for parents and particularly for siblings. Family carers explain that having an overnight without the young person at home is both restful and restorative, enabling them to regain the energy required to care for the young person integrated within the family the majority of the time and for the long-term.*
- *Both facilities are described as their child's "home away from home"; families are generally pleased with the care their child receives, indicating that staff are seen as an extended family, and stating how much their child enjoys their stays.*
- *Families thought that that closing either facility would cost SCC more in the long run as they will end up having to put their child in full residential care, something which they have so far been able to avoid.*
- *Families reject the idea that having carers come to their house will be equivalent to having the young person on overnight respite out of the house".*

*Independent Analysis of Consultation responses (Christina Silver QDAS, 11 July 2014, see **Annex 2**).*

29. Taking this into account the report recommends that Surrey County Council maintain access to both provisions. The proposal is that SCC continues to run Applewood and explores options with SABP to commission individual packages at Beeches (if financially viable).

30. The following themes were raised through the public consultation and will need to be considered if either Cabinet do not agree the recommendations or negotiations to move from a block contract to spot purchasing Beeches is not successful. This is outlined in more detail in the Equalities Impact Assessment.

Theme/issue	Mitigation
Additional time/ distance to transport child to a different provision.	Agreement to meet transport costs for the families who have been adversely affected by this change.
Applewood staff are not appropriately trained to meet the needs of Beeches Children.	An analysis has been undertaken of the needs of all Beeches children. Applewood staff can meet all of these needs. The staff training plan is linked to the assessed needs of all the children and young people using Applewood.
Having carers within their family home is not a break.	Working closely with individual families to look at the best alternative options and support needed to provide suitable short breaks to meet the needs of individual children and their families.
Existing relationships and social networks will be disrupted.	Look at placing children from the same friendship groups together where possible.
Some children may find the change difficult as they can be sensitive to changes in routine.	Transition period for children and young people. Opportunity for taster sessions/ day care/ tea visits to enable children and young people to have a gradual introduction to the new service.
Increasing unmet need for overnight respite.	There is no evidence that the need for overnight respite for children with disabilities with complex needs is likely to increase significantly over the next few years. There is capacity within existing provision and commissioned services even if the need increases with the projected increase in population over the next 5 years (see Table 1, pg.3).
Applewood staff do not know my child like Beeches staff and vice versa.	An "All About Me" plan is developed for all children who attend residential short breaks at Applewood. This provides staff about the detailed needs, likes and dislikes of the individual children and risks to be managed.

31. Ruth House project was commented on by 48 respondents. There is a separate project which is looking at the future provision at Ruth House. The information on Ruth House from the public consultation has been identified by QDAS and has been passed to the project team.

**RISK MANAGEMENT AND IMPLICATIONS:**

Risk	Mitigation
Financial risk to Surrey County Council by accepting statutory responsibility to pay for all short breaks if this includes retaining access to both Applewood and Beeches as recommended.	<ul style="list-style-type: none"> <li>CCGs have to serve 12 months notice on Surrey and Borders NHS Partnership so Beeches will be funded for 12 months from the date of any notice served; there will be no financial impact on SCC during this period during which time alternatives can be discussed with individual families.</li> <li>Minimum of a 12 month period of negotiation</li> </ul>

	available with SABP to agree a new market rate/contract with Surrey County Council.
Surrey and Borders NHS Partnership Foundation trust will not consider the provision of Beeches short break facility to be financially viable following any change of contract.	<ul style="list-style-type: none"> <li>• Minimum of a 12 month period of negotiation available with SABP to agree a new market rate/contract with Surrey County Council.</li> <li>• If spot purchasing is not possible a new risk assessment will be completed to include individual needs. Alternative provision available to families is at Applewood; or families may wish to purchase other services through direct payments.</li> <li>• Planned transfer of care to other facilities or use of personal budgets.</li> </ul>
Reputational risk for SCC and Surrey CCGs.	Regular communication meetings with all agencies has been in place throughout this Review to agree a clear approach. A communication plan to accompany the consultation was developed.
Risk of legal challenge	<ul style="list-style-type: none"> <li>• Ensure due process is followed</li> </ul>

### **Financial and Value for Money Implications**

32. The Surrey Clinical Commissioning Groups currently fund the block contract with Surrey and Borders NHS Partnership Trust for £565,000 per annum (2013-14). The NHS will be able to relinquish its historical anomaly of funding short breaks at Beeches. This money can support more children and young people if re-invested in Community Nursing, Therapies and other healthcare services for children complex health needs including health component of young peoples' Education, Health and Care plans.
33. Surrey County Council will work with SABP becoming part of the SCC Shortbreaks Framework, using the same criteria as the recent shortbreaks tender.
34. It is estimated that the additional financial pressure on SCC will be between £120,000 - £150,000 per annum (starting after 12 months notice completed). The additional costs to the County Council have been calculated based on existing care packages and known costs of alternative respite services, including transport.
35. We will look to offset these additional costs through:
- Efficiencies made at Applewood.
  - Using current 1:1 funding for Beeches children (funded by SCC).
  - Use of current block contracts for residential overnights.
  - SCC working with CCGs to look at the funding of individual health needs on a case by case basis.

### **Section 151 Officer Commentary**

36. The Section 151 Officer acknowledges that this proposal will lead to additional financial costs to the County Council, but the Service have agreed to manage the financial pressure within the existing disability budgets and have a plan to do so.

## **Legal Implications – Monitoring Officer**

37. There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision. In considering this report, Cabinet must give due regard to the results of the consultation set out above, and the response of the Service to the consultation comments, and conscientiously take these matters into account when making its final decision.
38. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by Cabinet in this report. There is a requirement, when deciding upon the recommendations, to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups, and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs below, and in the Equalities Impact Assessment at Annex 1. Members will note that no negative impacts have been identified if spot purchasing arrangements can be agreed with Surrey and Borders Partnership. However, if this is not possible, there could be negative impacts for the children and families who use Beeches. These are identified in the EIA, and summarised below. These potential impacts, together with any relevant mitigation, must also be taken into account when making a final decision. It is possible that the mitigation proposed may not address all the issues raised by families.
39. Where there is a change in service provided to any family, an updated assessment of need will be required to inform the support required before any change takes place.

## **Equalities and Diversity**

40. An Equalities Impact Assessment has been completed (see Annex 1) which assesses two potential outcomes:
- Outcome 1: Children and young people will continue to use Beeches until end of NHS block contract notice period (12 months) and thereafter on a spot purchase basis.
  - Outcome 2: Surrey and Borders Partnership do not wish to continue to provide the Beeches facility at the end of the 12 month block contract notice period.
41. Outcome 1 would mean no change for children and young people accessing Beeches and their families.
42. Outcome 2 would impact on the children and young people who access Beeches and their families. The following measures could be put in place to mitigate against any potential impact:-
- Working closely with individual families to look at the best alternative options and support to meet their needs.
  - Offer of transport and escorts if required for children if they have been adversely affected by the recommendations, based on assessed need.
  - A managed change period to support children, young people and their families.
  - Reassessing the training needs of staff of any new provision chosen by the family to ensure they have the skills to meet the needs of children and young people who currently access Beeches. Ensure a training plan is in place to meet any outstanding needs.
  - “All about me” plan for each child and young person transferring to a new provision to ensure staff are fully aware of their individual needs, likes, dislikes, friendship groups etc.
  - Working with parents to ensure that the management of placement timings is a fair and transparent process.

**Other Implications:**

43. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	Provision of short breaks is a key safeguarding service to ensure that children and young people with disabilities are protected and families are supported.
Public Health	No significant implications arising from this report.
Climate change	No significant implications arising from this report.
Carbon emissions	No significant implications arising from this report.

**WHAT HAPPENS NEXT:**

44. If Cabinet approves the recommendations on 23 September 2014, NHS Guildford and Waverley CCG will recommend to all CCGs that notice is served on their block contract with Surrey and Borders Partnership NHS Foundation Trust in respect of Beeches (12 months notice period).
45. Responsibility for funding short breaks for children and young people in Beeches will transfer to Surrey County Council at end date of this notice period. The earliest date for this transfer would be November 2015.
46. NHS Guildford and Waverley will support Surrey County Council in working with SABP in negotiating a new spot purchase contract arrangement and/or the option of transition to direct payments for families using Beeches.
47. Surrey County Council will continue to involve children and young people with disabilities and their families in any future developments at Applewood, Beeches or any other short break provision.

**Contact Officer:**

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Diane McCormack, Head of Children with Complex and Specialist Health Needs including CAMHS, Guildford and Waverley CCG (on behalf of Surrey CCGs)

**Joint Strategic Review Group:**

- Ian Banner Head of Commissioning, Children's Social Care and Wellbeing, Children Schools and Families Directorate, Surrey County Council
- Diane McCormack Head of Children with Complex and Specialist Health Needs including CAMHS, Guildford and Waverley CCG
- Sandy Thomas, Service Manager for Children with Disabilities
- Holly Beaman, Commissioner, Childrens Social Services

**Consulted:**

- Parents of children with disabilities with complex needs attending Applewood, Beeches or special schools

- Family Voice
- Parents in partnership
- Schools
- Adult Services
- East Surrey MENCAP
- Mrs Mary Angell, Cabinet Member for Children and Families

**Groups:**

- Children Services Management Team
- Children Schools and Families Directorate Leadership Team
- Children Schools and Families Directorate Equalities Group
- Parent/Carer Panel – parents of children and young people who use Beeches and Applewood
- Surrey CCG Collaborative: Children’s Clinical Leads Group

**Annexes:**

Annex 1: Equalities Impact Assessment

Annex 2: Analysis of Public Consultation by an independent consultant

**Sources/background papers:**

Cabinet Report “Joint Strategic Review of Short Breaks” - 4 February 2014

**Glossary**

CCG	Clinical Commissioning Group
CWD	Children with Disabilities
CWD with complex needs	Children with profound and multiple disabilities, complex health needs and challenging behaviour
CYP	Children and Young People
Direct Payments	This cash payment allows families to organise care services themselves, allowing them to choose the services which meet their individual needs. Some people use the money to buy care from an agency whilst others will directly employ their own staff, or pay members of their own family to do the care. Some families do not wish to have the burden of arranging services themselves, therefore the council would do this on their behalf.
EIA	Equalities Impact Assessment
PCT	Primary Care Trust
QIPP	Quality, Innovation, Productivity and Prevention
SABP	Surrey and Borders Partnership NHS Foundation Trust
SCC	Surrey County Council
SEND	Special Education Needs and Disability Pathfinder: Local Authority, Health and community organisations working together to test core elements of reforms within the Children and Families Act 2014
Personal Budgets	The indicative budget that will be made available if a young person or child is assessed as needing additional and individual support at home and when out and about in the local and wider community.
SEN	Special Education Needs
Child and family assessment	A children with disability team assessment for children and young people with disabilities and complex needs
Transition	Planned move from Children Services to Adult Services

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