

**SURREY COUNTY COUNCIL****CABINET****DATE: 29 JULY 2015****REPORT OF: MRS LINDA KEMENY, CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: JOINT STRATEGIC REVIEW OF SHORT BREAKS FOR CHILDREN AND YOUNG PEOPLE WITH DISABILITIES****SUMMARY OF ISSUE:**

In September 2014, Cabinet received a report in respect of the consultation arising from the Joint Strategic Review of short breaks for children undertaken by the Council and Guildford and Waverley CCG, on behalf of the Surrey CCGs.

The key areas of the review were considered to be 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). Beeches has been commissioned on a block contract which is high cost. Both facilities were considered underused.

The review recommended a number of options for the future use of both facilities, and a public consultation took place between 24 February and 24 May 2014. The responses were detailed in the report to September 2014 Cabinet. The recommendations of the report were as follows:

- 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 purchase 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.

The recommendations were accepted and, against this background, the CCGs gave notice to SABP that the existing block contract would come to an end on 3 November 2015.

Negotiations have since taken place with SABP, and it has not been possible to agree arrangements for individual spot purchase at a fair price. In May 2015, SABP informed the Council and the CCGs and Family Voice Surrey that they would not accept spot purchase arrangements. SABP now propose that Short Breaks services are discontinued from November 2015.

In order that consultees have an opportunity to comment further in light of this outcome, it is proposed to extend and complete the consultation process.

### **RECOMMENDATIONS:**

It is recommended that:

The earlier consultation be reopened/concluded following the negotiations with Surrey and Borders Partnership NHS Foundation Trust (SABP), with the options that Surrey County Council:

- negotiates an acceptable block contract with SABP for overnight short breaks or;
- funds alternative services, which will result in Beeches being closed by SABP.

### **REASON FOR RECOMMENDATIONS:**

1. 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 is committed to ensuring that this type of support continues to be available.
2. SABP continue to own and run Beeches and have confirmed again that they will not lease the building to the Council or a Private or a Voluntary organisation. Their block contract with Guildford & Waverley CCG (G&WCCG) ends on 4 November 2015.
3. Completing the consultation is recommended so that there is clarity that the choice is a council block contract with SABP or that Beeches closes.

### **DETAILS:**

#### **Business Case**

4. Surrey County Council has a statutory duty to provide short breaks under the Short Breaks Regulations 2011. 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”.
5. The Children and Families Act 2014 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.
6. Surrey County Council’s Children’s Services spends £8.5m per year on short breaks for children and young people with disabilities (2014/15). Surrey County Council invests significantly more in short breaks than many other local authorities and it continues to be a priority for the Council.
7. 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. It is proposed that this consultation is re opened.

8. Now that the outcome of the negotiations with SABP is known, continuing the Consultation will enable the voice of parents to be heard, in light of this, in regard to:

- i) the impact of short breaks no longer being available at Beeches
- ii) the suitability of alternative short break services in meeting the needs of the 10 young people who by November 2015 will be using Beeches
- iii) the demand for overnight residential short breaks in the east of Surrey.

It will also provide the opportunity for alternatives to be explored.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

Risk	Mitigation
Assessed needs are not met	Young People using Beeches and their carers will have individual Child and Family and Carers Assessments to agree support plans with families.  Assessments will continue to be carried out for Young people referred to Children's Social Care for support who meet the eligibility criteria
Risk of legal challenge	Ensure due process is followed

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

- 9. The Surrey Clinical Commissioning Groups currently fund the block contract with Surrey and Borders NHS Partnership Trust for £565,000 per annum. This funding will end on 4th November 2015.
- 10. Financial Implications for SCC will be considered when the outcomes and recommendations are reported to Cabinet in October 2015.

#### **Section 151 Officer Commentary**

- 11. It is understood that the consultation process on the Beeches needs to be completed and the outcomes and recommendations will be considered by Cabinet in October 2015. The financial implications will be outlined as part of the recommendations in that report.

#### **Legal Implications – Monitoring Officer**

- 12. 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. The proposal in this report will complete the process already begun and address concerns raised by families.
- 13. The proposal is consistent with the public sector equality duty (Section 149 of the Equality Act 2010).
- 14. 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**

- 15. An updated Equalities Impact Assessment will be completed which assesses the two potential outcomes: -

- Outcome 1: Children and young people will continue to use Beeches funded by a block contract agreed between SCC and SABP.
  - Outcome 2: Beeches is closed by SABP.
16. Outcome 1 would mean no change for children and young people accessing Beeches and their families.
17. Outcome 2 would impact on the children and young people who access Beeches and their families. Measures would need to be put in place to mitigate against any potential impact, which are likely to include but are not limited to:
- 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:**

18. 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:**

19. If Cabinet approves the recommendation the Council will carry out the further consultation using the “Surrey Says” website
20. The Consultation outcome and recommendations will be reported back to October 2015 Cabinet.

**Contact Officer:**

Ian Banner, Head of Childrens Social Care and Wellbeing Commissioning Children, Schools and Families Directorate, SCC

**Background papers:**

Cabinet Report Joint Strategic Review of Short Breaks - 4<sup>th</sup> February 2014

Cabinet Report Joint Strategic Review of Short Breaks - 23rd September 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.
EIA	Equalities Impact Assessment
SABP	Surrey and Borders Partnership NHS Foundation Trust
SCC	Surrey County Council
SEND	Special Education Needs and Disability:
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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