

CABINET – 23 APRIL 2013

ITEM 4 - PROCEDURAL MATTERS

4(b)Public Questions**Question (1) from Mr Paul Placitelli, Horley**

With regards to SCC principle that: 'No child under 10 years of age should be accessing residential overnight short break provision except in exceptional circumstances' Department of Education's guidance states that local authorities must consider the legal implications of the eligibility criteria they apply to short breaks services and not apply any eligibility criteria mechanistically without consideration of a particular family's needs. Under equality legislation law and the potential impact the decision could have on human rights, authorities have a legal duty to pay due regard to the need to eliminate discrimination and promote equality with regard to disability, whilst requiring that this duty to pay due regard be demonstrated in the decision making process, assessing the potential equality impact of proposed changes, procedures and practices is one of the key ways in which public authorities can show due regard.

Do you accept that in the absence of a full Equality Impact Assessment, you have met your legal obligations and Department Of Education guidelines in ensuring you have considered the need and rights of a very vulnerable group of society?

Question (2) from Ms Tara Rutt, Caterham

Despite NHS renewed commitment to the Beeches we are aware of a large number of parents who continue to be refused access to the Beeches, being told by social services that:

- They are not eligible due to the child's age.
- Their child does not qualify as they would not pass a health care assessment despite having profound and multiple disabilities.
- They prefer to deal with Applewood as they know how it operates despite it not being local or the parent's choice.

Surrey's own SEND pathfinder vision statement quotes:

- We want young people, children and their families to be confident in the system, knowing that they will be listened to and that it will provide what is needed in a timely fashion.
- Children, young people and families will play a key role in decision making.

Why despite the NHS reaffirming financial support for the Beeches and (Severe Learning Disability children) does SCC continue to refer to anywhere but the Beeches centre despite the Beeches being the most appropriate provider according to parents' wishes, therefore SCC are allowing the Beeches to be under – used and public funds wasted?

Question (3) from Mr Colin Terry, Horley

In reference to SCC's Short break statement under specialist need it quotes that: Specialist services are for disabled children and young people and their parents and carer's who require more support than is available through universal and targeted services for example overnight breaks. Families have a choice in what services they access and although access

is not necessarily dependent on a formal assessment of need, each provider may outline their own acceptance criteria.

If this statement is to be adhered to can the councillor agree and commit that should parents of a disabled child under 10 approach social services requesting overnight respite in a centre of their own choice this will at the very least be explored and given following a formal assessment if required and the option not closed off by being told it is against the council policy/principle?

Question (4) from Ms Shirley Gill, Caterham

With regards to SCC principle that:

'No child under 10 years of age should be accessing residential overnight short break provision except in exceptional circumstances'

The council has been asked on many occasions to provide details and recent up to date evidence of when and how the parents were consulted and to include the split of MLD to SLD of children referred to in each of these consultations?

Replies given have been:

'Consultations referred to include the Aiming High consultation undertaken in 2009 and Surrey County Council's 'Fit for the Future' co-production events held in 2010.'

'Parents who responded to these consultations were not specifically asked whether their children had MLD or SLD therefore this question cannot be answered.'

Whilst there was consultation on the Short Breaks Statement covering other aspects on communication with parents, there was 'not consultation on this particular principle.'

Surrey's short break statement states 'consultation with groups such as Barnardos and The National Autistic Society were held,' (even though it is not relevant to the group of children with severe learning difficulties, behavioural problems and needs such as epilepsy who were referred to in the question.)

As SCC's change to their principle has such far reaching consequences, they have a public duty to consult with all relevant groups, so that they have a full understanding of the impact and effect it will have on those peoples/groups lives. There is no evidence that they have consulted with the families who have children "in exceptional circumstances" Those families of children who are unable to sleep and because of the nature of the children's disabilities are unable to access other forms of overnight respite, the families for whom the only other option is vastly expensive residential care.

With regards to the under 10 principle, does the council believe that a full consultation should have included parents and carers of SLD children to take into account this group of particularly vulnerable children?

If so what steps are they taking to remedy the situation?

Question (5) from Keya Ashraf, Claygate

Pupils attending Claygate Primary School (particularly those residing in Claygate) are at a significant disadvantage in securing a place at their preferred secondary school.

Based on first offers made in March, just half had been offered their 1st preference secondary school (down on previous years) and compared to a county average of 85% and a national average of 87%. 80% had been offered one of their first 3 preferences (again down on previous years), compared to a county average of 95% and national average of 97%.

While 14 pupils were given first offers at Hinchley Wood Secondary School in 2013, most offers were due to the sibling ruling. Just 4 pupils were offered places based on distance, all of whom live in Hinchley Wood or the Dittons.

Could the Council therefore confirm what expansion is planned at Hinchley Wood and Esher High Secondary Schools and how Claygate pupils will be able to secure places at those schools as demand increases in future years?

Question (6) from Mrs Crafer

Surrey County Council failed to identify all the then current and potential risks to my late mother, Mrs Jesshope. In addition she was not properly assessed in time as to whether she had appropriate mental capacity to deal with her financial affairs.

In the view of the Leader's statement at the last County Council meeting in which he expressed his concerns for Vulnerable Adults in Surrey, would the Leader now instigate a further independent review of the care received by my mother."

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