

## CABINET – 23 APRIL 2013

### ITEM 4 - PROCEDURAL MATTERS

#### **4(a) Members' Questions**

#### **Question (1) from Mrs Hazel Watson (Dorking Hills)**

Certain roads in the Leith Hill area are set to be closed for a significant part of the day for The Vachery Triathlon on 21 July and for the Prudential Ride London event on 4 August, and then again on a rolling basis for the Tour of Britain race on 21 September. In addition, a number of sportives with a significant number of competitors are also set to ride along these roads in other organised events.

Will the Leader of the Council agree with me that it is essential that we balance the rights of local residents to enjoy living in this area with the rights of cyclists racing and enjoying our countryside and that two events two weekends apart which involve almost all day road closures and which will prevent residents leaving and entering their homes is not a fair balance between the rights of residents and the rights of cyclists? Will the Leader of the Council also agree with me that it is now very short notice to notify residents of the Vachery event and its road closures given that it is likely that weddings and summer garden parties will have been organised in the affected area for some time and that such events cannot be replanned at such short notice and will be significantly disrupted by the road closures?

Furthermore, will the Leader of the Council agree that it is appropriate that only one all day or significant part of a day road closure should be applied for in relation to any one road each year and will he commit the County Council to only apply for one all-day road closure per year for any one road for cycle road racing this year and to formulate an official policy on this basis for future years?

#### **Reply:**

During our Olympic summer, Surrey County Council demonstrated that it could safely and successfully organise and deliver a series of world-class sporting events. You will recall that some parts of Surrey enjoyed 3 days of exciting events, in the space of a week. The resulting legacy for Surrey from these events seen on global television has been that our beautiful county attracts many more visitors, and many amateur sports people now test themselves on the same roads as their Olympic heroes. Our successful handling of the Olympics has also encouraged an increasing number of event organisers to approach us to put on high profile sporting events.

When deciding whether to allow a closed road event, our first consideration is to ensure that the interests of our local residents are balanced against the wider benefits for the county. Our priority is to ensure that residents are safe and that disruption is kept to an absolute minimum. No events go ahead unless the event organiser provides clear evidence that there will be significant economic benefit for the county, as well as associated health benefits and wider promotion of the county. These events also provide opportunities to recreate the community spirit that we experienced locally, when communities came together in celebration and gave a warm welcome to visitors and participants.

All the events that are being proposed in Surrey have strict oversight by county council officers to ensure that they run safely and that residents are engaged as early as possible. There is an unprecedented demand for Surrey's roads to be used for high profile events,

which is why I have asked officers to review the existing process for accepting these events on closed roads, and for a robust new process to be prepared for consideration by The Cabinet this summer.

**Mr David Hodge**  
**Leader of the Council**  
**23 April 2013**

**Question (2) from Dr Andrew Povey (Waverley Eastern Villages)**

In your last Leader's statement at the full County Council meeting you stated your concern for the elderly and vulnerable in Surrey. Indeed under the strong leader model you have the ultimate responsibility for vulnerable people who are under the care of Surrey County Council. When are you going to accept this responsibility in respect of the tragic death of Gloria Foster?

**Reply:**

There are appropriate and independent investigations ongoing and I will not be making any further comment on the matter until those are concluded. I shall not answer any further questions from Dr Povey on this until the final reports are concluded.

**Mr David Hodge**  
**Leader of the Council**  
**23 April 2013**

**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?

**Reply:**

Our procedures for accessing the short breaks service comply fully with DFE guidance. **SCC neither has, nor would wish to adopt** any specific eligibility criterion or entitlement framework that is applied in some mechanistic fashion for the short breaks service it provides.

It is more appropriate and effective that a complex and holistic assessment is undertaken by experienced staff in our Children with Disability Teams, with a professional approach to identifying and meeting needs.

The assessment framework is based on legislation, and requires a thorough understanding of the child's developmental needs, and the capacity of the parents to respond to those needs. Specifically we consider the impact of the wider family and the home environment on that parenting capacity.

We take into account family relationships, the emotional and behavioural development of the child, basic care, safety, stimulation of the child, emotional warmth, sense of identity, education, self care skills of the child, housing, health, employment, family stability and social integration, and many more factors. If the assessment shows a clear need for support then the CWD team work with the family and other agencies to provide the requisite support.

Thus all decisions regarding care provided to Surrey children are based on a full assessment of their needs and best practice principles. Most children's needs are such that they make better developmental progress in family settings rather than in residential care, and this is particularly true of children under the age of 10. I believe that for most young children their needs are best met in a child-focused community with family-based provision, rather than a residential setting where there may be a mix of ages and / or needs that is more difficult for younger children to settle in.

However, where a child's needs are particularly complex, specialist residential care may be the most appropriate option. In these situations children may be placed in residential settings and since the beginning of January this year four such care packages have been agreed for children under the age of 10. Therefore eligibility criteria are not being applied mechanistically, and we consider that Surrey County Council is fully compliant with our legal obligations and Department for Education guidance.

A joint strategic review is underway of short breaks by the council and NHS Guildford & Waverley Clinical Commissioning Group, on behalf of the 6 CCGs with responsibility for children's services in Surrey.

**Mrs Mary Angell**  
**Cabinet Member for Children and Families**  
**23 April 2013**

<b>Question (2) from Ms Tara Rutt, Caterham</b>
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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?

**Reply:**

While Mrs Tutt claims to be aware of a large number of parents who continue to be refused access to the Beeches I wish to put on record that no comments regarding this matter have been received by the Director of Children's Services, the Deputy Director of Children's Services, or the Lead Member, via letter, e-mail, text or telephone. It would have been more appropriate for any family who feels that they need their case reconsidered to contact Surrey County Council or the NHS directly.

The Beeches is a NHS commissioned service, and Surrey County Council is not the lead commissioner. SCC is therefore not responsible for referring children to the Beeches. Current guidance from the NHS is that children accessing this service should have a health need, and that a Health Needs Assessment (HNA) should be undertaken prior to referral. Children who meet these criteria are being referred to the Community Nursing Team for a HNA by Surrey County Council; however the decision as to whether to offer a service from Beeches is made solely by NHS staff.

Following assessment, social workers should discuss all short break options with families, including direct payments. Where Applewood is likely to be the most appropriate service parents will be directed towards this resource. However if parents express a particular preference for their child to attend Beeches, SCC is happy to request a HNA from the Community Nursing Team.

The Council and Clinical Commissioning Groups will decide on the future commissioning arrangements for short breaks residential care after completing the consultation on the options contained in the joint strategic review.

**Mrs Mary Angell**  
**Cabinet Member for Children and Families**  
**23 April 2013**

<b>Question (3) from Mr Colin Terry, Horley</b>
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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?

**Reply:**

The provision of specialist short break services to meet a child's assessed needs will be agreed with parents as part of their child's plan and consideration of the most appropriate options available. Good practice principles, based on research, should be applied and either access criteria may be set by commissioners, or individual providers may outline their own. Where parents request a specific service these factors will be taken into account together with whether the service can safely provide the care requested and whether the service can offer appropriate activities and a friendship group for the child. For example, it would not be a good plan for a young child to be placed with a much older age group who wish to follow teenage/youth club type activities.

Preferences will therefore be explored, but parents may need to understand that a particular option may not be the best service to meet their child's needs, and that this will be informed by access criteria, service availability, and the care and expertise different services offer.

**Mrs Mary Angell**  
**Cabinet Member for Children and Families**  
**23 April 2013**

**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?

**Reply:**

A joint strategic review is underway of short breaks by the council and NHS Guildford & Waverley Clinical Commissioning Group, on behalf of the 6 CCGs with responsibility for children's services in Surrey. The options proposed by the review will be consulted on in the summer 2013.

The joint strategic review will include options for consultation with all parents and carers of children with disabilities, including parents of disabled children under the age of 10, and parents of children with severe learning disabilities and complex health needs. Further details will be provided as part of the review.

I wish to place on record our commitment to support families through the provision of short breaks. Our planned expenditure for 2012/13 was £8.3 million – final outturn to be confirmed through the end of year accounts. These figures include all contracted spend with providers plus short breaks included within individual care packages purchased by the social care teams for both looked after and non-looked after children.

This represents more than twice the minimum expectation of £2.7m for 2011/12 and £3m in 2012/13 as stated by the Every Disabled Child Matters campaign and for 2012/13 represents 73% of all social care funding for disabled children (total spend £11.4m excluding LAC placement costs).

I am pleased to say that many parents contact us expressing their real appreciation of the short breaks service and the positive impact it makes on their children's lives.

**Mrs Mary Angell**  
**Cabinet Member for Children and Families**  
**23 April 2013**

<b>Question (5) from Keya Ashraf, Claygate</b>
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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?

**Reply:**

With regard to the 60 children due to transfer to secondary school from Claygate Primary School, the Local Authority received mainstream applications in respect of 51 of them. Of these, parents were offered their preferences as follows:

1st preference	26 (51%)
One of their 6 preferences	42 (82%)
Centrally allocated a non-preference school	9 (17.6%)

However, 7 of the parents who were centrally allocated a non-preference school only named two preferences on their application form, which were Hinchley Wood and Esher High. Both Hinchley Wood and Esher High schools use individual catchment areas to prioritise applicants, with children living within catchment receiving priority ahead of children who don't. The area of Claygate is split between both catchments and so some children living in Claygate will receive priority for Esher High and others will receive priority for Hinchley Wood. These catchment areas have operated since 2011 and since that time neither school has allocated places to children beyond their catchment area at the initial allocation of places. In this way, as each child can only be within the catchment of one school, and as historical data confirms that neither school has allocated places to children living outside the catchment area since 2011, these parents only had a realistic chance of being considered for one school, which was the school in whose catchment area they lived.

Whilst I acknowledge that the majority of these parents did apply to their catchment area school as their first preference, parents are advised to consider other local schools when they make their applications for a school place. In the area of Claygate there are other schools which are situated within a reasonable distance and, whilst parents are under no obligation to apply for these schools, they restrict their options by not doing so and this in turn reduces the percentage satisfaction rates.

The Local Authority has a statutory duty to ensure that there are sufficient places for Surrey children and that each Surrey child receives an offer of a school place within a reasonable distance, either within Surrey or across the County boundary. Whilst the law gives parents the right to name a preference for their preferred schools, the Local Authority has no duty to offer a place at a school of preference. The law is phrased in terms of 'preference' rather than 'choice' because there will be times when a child will not be able to be offered a place at a school of preference, such as when a school is oversubscribed. In these cases it is therefore the admission arrangements which must determine which children are offered a place.

From the allocation for 2013, all children who live in Claygate and who live within the catchment of Esher High have now been offered a place at Esher High where it was listed as a preferred school. As such, based on the existing catchment it does appear that Esher High is able to provide places for Claygate children living within their catchment area. However, this does not appear to be the case for Hinchley Wood, for which there are still children who live in Claygate and within the catchment for Hinchley Wood who have not yet been offered a place.

I regret that whilst there are no plans to expand Hinchley Wood, it is anticipated that Esher High will expand to a Published Admission Number (PAN) of 240 from September 2015, which will be an increase of 30 places compared to 2013. In the light of this we will review the catchment area for Esher High for 2015 to ensure that additional places are allocated fairly. Whilst Esher High School is a Voluntary Controlled school, for which the Local Authority is responsible for setting the admission arrangements, Hinchley Wood is an Academy and it is therefore the school's Governing Body which is responsible for its admission arrangements. We would however expect to be able to liaise with Hinchley Wood to ensure that any catchments for the area are appropriate and fair to all parents. I regret however that I cannot offer any guarantees that any revision of the admission arrangements will enable Claygate parents to attend either Hinchley Wood or Esher High Schools.

**Mrs Linda Kemeny**  
**Cabinet Member for Children and Learning**  
**23 April 2013**

<b>Question (6) from Mrs Susan Crafer</b>
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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."

**Reply:**

I will be writing to Mrs Crafer about this matter. As the question relates to details about her late mother and the financial affairs of the family, it would not be appropriate to discuss it at a public meeting.

**Mr David Hodge**  
**Leader of the Council**  
**23 April 2013**