

## Report to Cabinet

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<b>Title:</b>	<b>Joint Report - Short Breaks for Disabled Children Strategy Consultation Adult Short Breaks Strategy Consultation</b>
<b>Date:</b>	18 <sup>th</sup> June 2018
<b>Date can be implemented:</b>	26 <sup>th</sup> June 2018
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<b>Local members affected:</b>	All
<b>Portfolio areas affected:</b>	Children's Services, Health and Wellbeing

*For press enquiries concerning this report, please contact the media office on 01296 382444*

### Recommendations

- **Cabinet is asked to agree to go out to consultation on the draft Short Breaks Strategies for Disabled Children and Adults as set out in Appendices 1 and 2.**
- **Cabinet is asked to note the next steps set out in this report including further key decisions required.**

### Summary

The purpose of consulting on the Children's and Adult Strategies is to help develop our vision of how short breaks should be delivered in Buckinghamshire. We want to achieve the right outcomes for children, young people and adults with a disability or long term illness – as well as for their parents, carers and wider family members.

The Disabled Children's Short Breaks Strategy development has been supported by our Parent Forum, FACT Bucks, to set out our vision and principles for short breaks across universal, targeted and specialist short breaks. Once approved, the strategy will also inform our future short breaks offer, commissioning activity and this will be subject to a further subsequent consultation.

The Adult Short Breaks Strategy has been written as part the wider Transformation Programme for Adult Social Care, which sets out the case for change in our approach to supporting adults with needs. Some pre-consultation engagement has already taken place in order to test the principles of the strategy. Once approved, the strategy will also inform our

future short breaks policy and commissioning activity and this will be subject to a further subsequent consultation.

The Children's and Adults Strategies for Short Breaks have been developed in partnership, and with health, recognising that some children accessing our short breaks provision will continue to access services once they are adults. We want to be able to ensure that young people continue to be able to access short breaks that will meet their needs as they become adults and they can experience a continuity of care.

While each strategy should ensure that the specific needs of either children and young people or adults are met, they seek to align and be consistent in several key areas. These are:

- **Shared principles**

Both strategies share the same principles, which focus on the outcomes that a greater variety of support can offer and which can to promote increased independence for the cared for person and better resilience for the parent/carer.

- **Shared approach**

Both strategies recognise that we need to change our approach to short breaks, for children and adults and their families.

For disabled children and young people effective short breaks should help to develop their independence, to increase their readiness for becoming an adult and to boost their physical and emotional health, while also enabling them to have new experiences, to learn, to have fun and to meet friends.

Short breaks for adults help create independence, greater personal capacity and more opportunities for vulnerable adults and their carers to build self-sustainable networks of support that connect them to the communities they live in.

Time away from home can develop people's independence as this can be used to learn new skills, build up a wider support network and make new friends. It also means that carers have time to rest, or focus on other things which improve their own emotional and physical health so that the care they offer in a family setting can be sustained.

At present short breaks are often seen in the context of overnight respite. The aim of the strategy is to challenge and develop our current thinking, which will enable the development of a menu of short breaks options. This will widen the variety of short break offers and increase ability for people to be supported in local communities near to where they live.

- **Types of short break available**

Both strategies propose extending the range and choice of short breaks in the county, ensuring children, young people adults and families can access support from universal services, targeted services and specialist or eligibility based services.

- **Supporting carers**

Short breaks support parents and carers by giving them a break from their caring responsibilities, allowing them to rest and unwind (supporting their own emotional and physical health) and to spend time with other family members, so they are able to provide sustainable support to their family. This is true whether the cared for person is a child, young adult or adult.

## Next steps once both strategies are agreed

When both strategies have been consulted upon, service users, carers and wider stakeholders will be engaged in developing options for the service offer.. This will result in the production of a draft Short Breaks Service Statement for children and a draft Short Breaks Policy for Adults.<sup>1</sup> These will both provide details of the offer to service users and carers and give the practical information and guidance to operational staff regarding assessment of need for short breaks and allocation of provision. They will also help inform the options about the models of service which may be commissioned.

These documents will then be subject to a subsequent consultation lasting 12 weeks.

For adults, the focus will be a consultation on a draft short breaks policy and appropriate engagement regarding short breaks models. The development of models will focus on the relocation and re-provision of a residential short breaks service and development of community alternatives. It will consider procurement options as part of this.

For children, the second consultation will focus on the short break model of service, review of our Buckinghamshire Short Breaks Services Statement and commissioning services in the context of that.

The outcome of both consultations will inform the final options regarding models of service and procurement and development of these services.

## Timeline

Key Activity	Adults	Children
Pre-consultation and engagement	Ends 05/06/18. 2 weeks to compile final feedback/evaluation	Ends 05/06/18. 2 weeks to compile final feedback/evaluation
6 week public consultation on draft strategies	Summer 2018	Summer 2018
Evaluate consultation responses	2 weeks to compile feedback/evaluation	2 weeks to compile feedback/evaluation
Publish results of consultation and strategy (appendix) after key decision	Autumn 2018	Autumn 2018
Next steps	By Spring 2019 <ol style="list-style-type: none"><li>1. Development of draft short breaks policy</li><li>2. Development of draft business case for future commissioning</li><li>3. Further Key Cabinet or Cabinet Member decisions in relation to consultation on Policy and business cases for future commissioning</li></ol>	By Spring 2019 <ol style="list-style-type: none"><li>1. Development of draft Short Breaks Service Statement</li><li>2. Development of draft business case for future commissioning</li><li>3. Further Key Cabinet or Cabinet Member decisions in relation to Service Statement and business cases for future commissioning</li></ol>

<sup>1</sup> The Breaks for Carers of Disabled Children Regulations 2011 requires each local authority to produce a short breaks services statement so that families know what services are available, the eligibility criteria for these services, and how the range of short breaks is designed to meet the local needs of families with disabled children.

## **A. Narrative setting out the reasons for the decision**

### Children's short breaks

Buckinghamshire County Council (BCC) and the Buckinghamshire Clinical Commissioning Group (CCG) commission a range of short breaks provision for disabled children and young people within the county. The current provision is delivered across a number of contracts and includes community short breaks (commissioned by BCC) and residential short breaks (jointly commissioned with the CCG).

Our current provision is generally valued by families but lacks flexibility and choice in terms of how families access support. For children who need specialist support our offer relies heavily on traditional building-based, residential respite with insufficient options for families to access other forms of provision to meet their need. We are struggling to meet levels of demand within the residential elements of the service, whilst at the same time our community based provision is not always fully utilised.

Benchmarking with other authorities indicates that our provision is expensive. Given this, we need to look at options to deliver the service differently to ensure we are providing the best value for money for children and families as well as for local authority.

We want to ensure that the future offer supports children with disabilities to access provision in the communities where they live, because this helps to develop friendships and natural networks of support for parents. At present, the short break offer often keeps children with disabilities separate from their local communities and does not promote inclusion or opportunities for children with and without disabilities to interact.

As our current short breaks contracts are coming to an end, recommissioning provides an opportunity to make some changes in the way our resources are allocated, offering children and families increased choice and access to a wider range of provision, whilst also ensuring we continue to meet our statutory duties.

A Short Breaks Strategy has been drafted to articulate our ambition for short breaks. It sets out how we propose to offer short breaks to support those with low, medium and complex needs. This includes building links with universal provision and special schools alongside more specialist short break provision. We will also aim to build upon the personalisation agenda introduced through the Children and Families Act 2014 by offering a greater range and choice of community based short breaks to improve local connections and access to universal settings.

We have already undertaken engagement work with disabled children, young people and their families. The feedback we received has been used to develop the vision set out in the outline strategy.

A public consultation will provide further opportunity for us to engage with children with disabilities and their families, as well as with professionals and other stakeholders. This will ensure that we have agreed a clear vision and set of principles for our short breaks offer. This strategy will then frame recommissioning activity across our entire short breaks provision.

The consultation will test support for the following:

- The vision and principles of short breaks in Buckinghamshire
- Linking our offer to assessed levels of need
- Taking an outcome based/ person centred approach

- Meeting need across universal, targeted and specialist provision
- Activity fees for short breaks
- Improving transition to adulthood
- Developing flexible and sustainable models of support
- Co-production with children, young people, parent and carers

### Adult short breaks

Short breaks provision in Buckinghamshire is in need of modernisation, both in terms of provision and offer.

There is currently no overarching strategy or policy detailing a county wide approach to adult short breaks. At present, personal care packages are agreed with individuals without reference to best practice in enabling independence, or equitable and sustainable offers of support. This (along with a lack of co-ordination, suitable community alternatives and specialist support) has resulted in inconsistent provision and issues such as the need to pursue expensive out of area placements.

An established strategy would rebalance this providing us with sound principles around which personal care plans can be constructed.

Substantial population growth is anticipated for Buckinghamshire. As people live longer, the population over the age of 65 years is increasing and the Council's approach to short breaks provision needs to meet the diverse needs of these carers and cared for.

The strategy will take into account relevant legislation, particularly Care Act 2014, regarding support for service users and carers and be built on current data, forecasted future data and best practice research.

Following production of the strategy, a short breaks policy will be developed which will outline Buckinghamshire County Council's offer based on people's level of independence and the support needs to sustain those cared for to remain living at home.

Some pre-consultation engagement has already taken place in order to test the principles of the strategy, which include:

- using an outcomes based approach
- meeting individual need in a fair and consistent way
- developing sustainable models of support
- improved transition to adulthood
- working together to co-produce services

## **B. Other options available, and their pros and cons**

### Children's short breaks

The Local Authority has a statutory duty in relation to children's short breaks; therefore ceasing provision is not an option. Given this, there are two broad alternatives:

#### **Option 1: Continue to commission short breaks for children with disabilities based using the current model**

This option would be straight forward and would enable us to continue a service which children, young people and families tell us that they value. However, we would face the following challenges:

- **The current service model is not sustainable:** Managing increasing demand within the residential aspects of the current system is difficult and we anticipate demand to increase.
- **The current service model does not offer sufficient choice:** Increasing flexibility and choice across areas of delivery, need and type of short break for families will help us to achieve good outcomes for children and families including better supporting children towards transition to adulthood and promoting independence.
- **The current service does not provide the best value for money:** Reliance on buildings based residential provision is expensive. Whilst access to this type of service needs to be part of the offer for children who have an assessed need for specialist support, a more flexible model which incorporates broader forms of provision will help us achieve better value for money.
- **The current offer does not support a joined up approach across Education, Health and Social Care.** In parallel to the drive to create a more diverse, needs led and value for money short breaks offer, we are also striving to reconfigure our SEN (special educational needs) offer in response to the SEND reforms introduced in 2014. Currently, we have an over reliance on expensive, independent provision that creates an unsustainable pressure on budgets and is not needs led. Reviewing our short breaks provision alongside the reconfiguration of our offer to children with additional needs creates an opportunity to create a more diverse offer that is not dependent on residential placements, which meets need and is value for money.

**Option 2: Use recommissioning to refocus our provision based on the principles agreed through a Short Breaks Strategy.**

This provides us with an opportunity to provide a more sustainable service which offers flexibility and choice for families whilst also providing good value for money

Adult short breaks

**Option 1: Do not develop a strategy and policy for adult short breaks provision.**

This is not a viable option because;

- There is currently no strategy and policy in place for short breaks, leading to potential inequity and inconsistency of provision
- The current offer does not meet best practice in terms of breadth of choice and maximising independence
- There is not a broad enough range of alternative options
- Current provision does not offer value for money

**Option 2: Use recommissioning to refocus our provision based on the principles agreed through the Short Breaks Strategy.**

This provides us with an opportunity to provide a more sustainable service which offers flexibility and choice that gives individuals and their carers greater opportunities whilst also providing good value for money

**C. Resource implications**

Children's short breaks

The majority of spend on children's short breaks is on specialist services - £3.29m in 2017-18. A further £1.07m is spent on targeted services and £11k is spent on universal services – a

total amount £4.52m in 2017-18. There is a previous overall savings target for children's short breaks for 2018-19 of £463k.

### Adult short breaks

The majority of spend on adult short breaks is with one of our Direct Care and Support services at Seeleys – c £1.1m – and a block contract at Downley Heights – c £130k. There is a further c £50k spent on spot placements, mainly with a provider of respite in Reading.

There are no specific savings targets for adult short breaks but all commissions are expected to maximise value for money and there is a previous overall savings target for Direct Care and Support services for 2018-19 of £400k - £330k of this has already been delivered. The total cumulative savings target for Direct Care and Support services for 2019-20 is £524k.

The consultation exercise for both strategies will be managed within existing resources.

## **D. Value for Money (VfM) Self-Assessment**

Buckinghamshire County Council wants to ensure that it delivers services that are sustainable and value for money. It can achieve this by ensuring that available resources for short breaks are targeted at those who most need support and that by developing an offer that is close to where people live, that we build on already established links within communities. This includes support offered by friends, neighbours, community organisers and the voluntary, community and faith sectors.

### Effective commissioning practice to ensure that:

- The best value for money is achieved through the tender process
- Routine contract monitoring is used to continue to monitor value for money

Our current children's short breaks offer is well regarded by most children and families who use the service. However, benchmarking with other authorities shows that comparatively it is expensive and does not offer families a good choice of provision.

Through the development of our children's and adults short breaks strategies and subsequent commissioning, recommissioning and market shaping activity we will ensure that we provide value for money.

## **E. Legal implications**

Legal advice has been sought in relation to the documents presented here and the proposals for consultation. Legal has advised 6 weeks as a minimum for the consultation on the strategies but 12 weeks for further consultations.

Legal advice will be sought throughout the lifetime of the short breaks programmes to address issues as identified.

When considering consultation, the Council should be aware of the principles set out in relevant case law:

R v Brent London Borough Council, ex parte Gunning, (1985) 84 LGR 168 identified what are known as the Gunning principles; these are that:

- Consultation must be at a time when proposals are still at a formative stage;
- The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;

- Adequate time must be given for consideration and response; and
- The product of consultation must be conscientiously taken into account in finalising any statutory proposals.

These were specifically endorsed by Lord Wilson in *R (Moseley) v London Borough of Haringey* [2014] UKSC 56 and noted as a 'prescription for fairness'.

In developing proposals for the public consultation, due regard has been paid to these principles.

#### Legal Framework - Children's short breaks

The Breaks for Carers of Disabled Children Regulations 2011 set out the duty for Local Authorities to make provision.

In performing their duty under paragraph 6(1)(c) of Schedule 2 to the 1989 Act, a local authority must:

- have regard to the needs of those carers who would be unable to continue to provide care unless breaks from caring were given to them; and
- have regard to the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to
  - undertake education, training or any regular leisure activity,
  - meet the needs of other children in the family more effectively, or
  - carry out day to day tasks which they must perform in order to run their household.

In performing their duty, a local authority must provide, so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively (see [www.legislation.gov.uk/uksi/2011/707/made](http://www.legislation.gov.uk/uksi/2011/707/made)).

Buckinghamshire County Council will seek to evidence this through their Short Breaks Services Statement setting out their 'short breaks offer', which will be revised in line with the agreed strategy for short breaks.

Any future recommissioning of children's short breaks will be compliant with the Council's statutory duty for short breaks.

#### Legal Framework - Adult Services

Provision of community care services for adults are governed by the provisions Care Act 2014 and its associated Guidance, and where eligible needs are identified, the necessary provision to meet those needs must be set out in a care and support plan. Care plans should be kept under review and changes to the plan should follow a review of needs in most cases, and ensure that the care plan meets current need.

Any changes to services currently identified as provision to meet eligible need should be considered in a review of the supported person's needs and be reflected in a revised care plan

#### Equality Impact

S149 of the Equality Act requires public authorities in the exercise of their functions to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;



- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Equalities Impact Assessment (EIA) have been undertaken in relation to both the adult's and children's Short Breaks Strategies and for children the proposals for recommissioning. These are available at Appendices 3 and 4.

These Impact Assessments will continue to be updated through the life of this work.

## **F. Property implications**

### Children's short breaks

Short Breaks services currently use a number of Council owned properties. Our proposal in the draft Short Breaks strategy is to focus our recommissioning activity on an outcomes based specification. Dependent upon the outcome of the public consultation this could mean that we tender without a firm expectation around the continued use of current buildings. This might enable more flexibility around reshaping the future offer and present opportunities to extending geographic reach, increasing choice of activity and improving access to other community based buildings.

We will need to consider our approach once we have received feedback from the public consultation. We will be working with colleagues from Property Services to review possible options for re-purposing.

### Adult short breaks

Services within the Adult Social Care Transformation Programme currently utilise a number of Council owned properties.

We will be working closely with colleagues in Major Assets to work through the detail and implications that, following public engagement, any preferred options will have on respective properties.

## **G. Other implications/issues**

The ethos of both strategies is to create a vision which enables people to utilise a range of alternatives for short breaks services to meet their varying needs and aspirations;

### Children's short breaks

Many disabled children and young people currently access targeted and more specialist short break services because universal services are not accessible to them. Access to universal services should be a first option for all disabled children and for some will be the right ongoing option to take part in activities.

Increased engagement and support to universal services would enable more disabled children and young people to access these services and take part in activities alongside non-disabled children and young people, which would improve outcomes and decrease social isolation. Equally though, we are likely to still need targeted and more specialist short breaks for many disabled children and young people.

Children's and their families' needs do not remain static and reassessment and review should take account of changing needs. The child and/or family's circumstances may be different at any given period. This can be change in need whereby increased support and services are needed for a period, conversely a change in circumstances may mean a reduction in support

and services may be appropriate. We will need to build on the confidence families have in our ability to respond in a timely and appropriate way to their changing need and in particular when needs increase.

The strategy is not a plan to reduce services where there is an assessed need for the same, but families may see a change in the way services are offered to meet their assessed need with a more tailored support plan to meet individual needs that is not based on the custom and practice which has seen many families offered a similar level and type of service regardless of the level of need.

#### Adult short breaks

At present carers and parents would generally imagine short breaks support as buildings-based provision as that is the offer we routinely have made to them. Through our Adult Social Care Transformation Programme, we are looking to embed an approach that promotes independence and develops personal capacity and choice but this could lead to significantly different proposals of short breaks support. A strategy would not dictate the model of service for an individual – and processes to assess and review need would continue - but it would broaden the options available and establish principles by which plans of care could be constructed. Our Transformation Programme is being supported by training and development of new practice standards to ensure we deliver consistently our new approach.

### **H. Feedback from consultation, Local Area Forums and Local Member views**

Engagement activity with existing disabled children and young people and their families has been used to inform the development of the draft children's strategy. Key headlines from this activity are provided in the Children's Short Breaks Strategy and the full feedback is provided in the appendices to the strategy.

Views from adult service users and their carers have been compiled and further engagement is being completed and will inform the continued development of their strategy.

Agreement to consult on the Children's and Adults Short Breaks Strategies will provide local members with an opportunity to give their views. The Consultation Strategy includes planned engagement activity with local members and other key stakeholders.

### **I. Communication issues**

Communication will be managed using a robust plan, prepared in partnership with the Council and CCG Communications Team.

Consultation strategies have been developed which set out how stakeholders will be able to give their views during the consultation period. A variety of consultation methods will be used to ensure that all stakeholder groups are able to respond, including disabled children and young people and adult service users.

All communication will be tailored accordingly.

### **J. Progress Monitoring and Review**

The delivery of these programmes will be reported and monitored through internal governance routes within both Buckinghamshire County Council and the Buckinghamshire Clinical Commissioning Group, as part of the wider Children's and Adult Social Care Transformation Programmes.

## **Your questions and views**

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer(s) whose telephone number is given at the head of the paper.*

*If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 15 June 2018. This can be done by telephone (to 01296 382343), or e-mail to [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)*