

Report to Cabinet

Title:	Joint Report - Short Breaks Strategy for Disabled Children and Adults End of Consultation Report
Date:	22 October 2018
Date can be implemented:	30 October 2018
Author:	Jane Bowie (Director of Joint Commissioning)
Contact officer:	Matilda Moss (Head of Integrated Commissioning), 01296 387394 Kelly Taylor (Specialist Commissioner), 07739 531268
Local members affected:	All
Portfolio areas affected:	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:

- **Approve the final Short Breaks Strategies for Disabled Children and Adults as set out in Appendices 1 and 2;**
- **Acknowledge the Short Breaks End of Consultation Evaluation Reports for Disabled Children and Adults as set out in Appendices 3 and 4;**
- **Approve proceeding with public consultation on the draft Adult Short Breaks Policy and the short breaks offer for Children.**

Summary

On 18th June, Cabinet agreed to undertake public consultations on the draft Short Breaks strategies for Disabled Children and Adults. This report presents the final short breaks strategies for ratification and sets out the next steps for our work around short breaks.

Prior the public consultations, pre-engagement with service users and their carers had already taken place to inform the development of the draft strategies. This activity used a range of methods to ensure that services users and parent/carers with different needs were able to contribute. A summary of the pre-engagement feedback is contained in the Short Breaks Consultation Reports in Appendices 3 and 4.

Commissioners worked with Communications colleagues to develop a detailed plan for the strategy consultations to ensure that stakeholders were able to contribute. This included:

- A survey that the public and other stakeholders were able to access via the Buckinghamshire County Council website. This was promoted through Council and Clinical Commissioning Group (CCG) partners such as Carers Bucks, FACT Bucks, community engagement providers and children's services providers.
- A series of events held around the county so people had an opportunity to offer feedback and have conversations about the principles set out in the strategies.
- A separate series of events held around the county with disabled children and young people.
- Discussion of the draft strategy at Children's Select Committee on 10 July and Health and Social Care Select Committee on 24th July.

The consultation survey responses totalled 117 for Adults and 71 for Children. In addition, 56 disabled children and young people took part in engagement events.

A summary of engagement via specific events is provided in the table below.

Adult consultation

Area of County	Location	Date of meeting	No. of attendees
Buckingham	Community Centre	05.07.18	0
Aylesbury	Library	11.07.18	11
Seeley's	Seeley's Day Centre	18.07.18	12
Burnham	Day Opportunity Centre	25.07.18	4
High Wycombe	Library	02.08.18	3

Children's consultation

County Location	Proposed Location	Date of meeting	No. of attendees
Aylesbury	Teaching and Learning Centre	02.07.18	4
Amersham	Stony Dean School	03.07.18	1
High Wycombe	Merryfields - Residential Short Break Unit	18.07.18	7

Disabled Children and Young People's Engagement

County Location	Proposed Location	Date of meeting	No. of CYP
Beaconsfield	Alfriston School	05.07.18	11
Winslow	Furze Down School	17.07.18	20
Aylesbury	Harding House	17.07.18	9
High Wycombe	Bucks Activity Project – Wycombe Fun Day	06.08.18	7
Countywide	SEND Youth Forum	02.07.18	8

The sample as outlined above is not statistically representative of the population, but there was a satisfactory range of engagement from people of different ages and ethnicities, from different areas of the county.

Across the engagement activity there was a high level of support for the approaches set out in the draft strategies, and the activity was successful in quantifying the level of support for the principles in the strategy among those who participated. It was also successful in helping us to understand more fully how the people who took part feel about short breaks and what is important to them.

A range of feedback was also provided through the additional comments that participants provided. Whilst many of these were supportive of the approaches set out in the strategy, a number also raised some questions and concerns.

The feedback was used to make adjustments to the text in both strategies (appendices 1 and 2), but there were no significant changes due to the level of positive support identified through the consultation. Some other comments were not directly relevant to the strategy. However, all of the feedback has been considered and will be used to inform the continued work around short breaks. The next phase of the consultation which considers the local short breaks offer is an opportunity to explore with service users and stakeholders in more detail the views that were expressed, and the consultation questions have been written with reference to the feedback given.

A summary of the key feedback points and the action or planned in response to this is included in the table below.

Feedback relevant to both strategies

Consultation feedback	Response
Broad support for approaches set out in strategy	<ul style="list-style-type: none"> Adult Strategy: paragraph added to summarise consultation activity and headline responses. Children's Strategy: paragraph added to summarise consultation activity and headline responses.
The 'trying new things and being innovative' approach should be more clearly positioned in future consultation	<ul style="list-style-type: none"> An amendment has been made to both strategies to emphasise that this principle is to support improved outcomes for children, young people and their families.

and communications. This would include providing evidence about how this helps people to achieve positive outcomes.	<ul style="list-style-type: none"> This re-framing will be used as part of future policy and communication.
Sufficient emphasis is given to carer roles within the strategy and this is related to how short breaks help sustain both caring and family relationships	<ul style="list-style-type: none"> Adult Strategy: The introduction has been amended to specifically mention support for carers. The next phase of the consultation will go into more detail with carers as to how we can work together to address the concerns that were raised around feeling undervalued or unsupported. It will also include exploration of how short breaks are provided in a way that is proportionate to carer and service user need. Children's Strategy: the strategy has been amended to emphasise how short breaks can help support parents / carers and families.
More work should be done to provide clarity on what the new approach actually is and what it means to individuals using or wishing to use short break services.	<ul style="list-style-type: none"> The consultation questions for phase 2 have been developed with reference to this feedback.

Adult Short Breaks Strategy

Consultation feedback	Response
What is meant by the 'qualified and skilled to deliver short breaks' approach – could this be defined in the next stage of consultation i.e. how is this different to any other qualified and skilled staff.	What is meant by the 'qualified and skilled to deliver short breaks' approach will be explored in the next stage of consultation.
We need to help people to more fully understand that each principle or approach will have different levels of importance, to individuals depending on their abilities, circumstances and current expectations.	The strategy has been amended to reflect that individuals will have different views of the respective importance of each of the approaches, but that they all contribute to improving outcomes for service users and their families.
Concerns were raised about transport to short breaks.	The information on transport in the strategy has been extended to better explain the transport offer as part of someone's eligible care and support needs.
Concerns were raised around transition and the alignment between short breaks provision for children and for adults.	<p>Transition is set out as a dedicated section in each strategy.</p> <p>The next phase of consultation will allow further exploration of how services can be used to support children as they become adults.</p>

Children's Short Breaks Strategy

Consultation feedback	Response
More needs to be done to ensure parents know about what current and future short breaks are available and how to access them.	This will be addressed through phase 2 of the consultation which will look at the local short breaks offer. Feedback will ensure that we give priority to reviewing the way information is provided and disseminated as part of the further development of our offer.
The next stage of consultation should take into account what range of activities is required to meet need.	The consultation questions for phase 2 have been developed with reference to this feedback.

The consultation reports at appendixes 3 and 4 provide a full account of the feedback.

Next steps

Following Cabinet agreement, the Short Breaks Strategies will be published. The next step will be for service users, parents/carers and wider stakeholders to be engaged in developing what our short breaks offer should look like. This will result in the production of a revised Buckinghamshire Short Breaks Service Statement¹ for children and a draft Short Breaks Policy for Adults. 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.

Focussed pre-engagement with service users and parents/carers is helping inform initial development of the draft Policy and Service Statement. Both documents will be based on the principles set out in the short breaks strategies, and will also take account of the breadth of feedback collected through the strategy engagement and consultation. We are now seeking Cabinet approval for to a public consultation lasting 10 weeks.

For children and adults, the consultation will focus on what the principles within the strategy will mean for service users, their families and carers and how we apply these to create a more flexible offer. It will also focus on how we can make the eligibility for short break services more transparent and consistent to ensure fairness, and that we are able to demonstrate targeting our resources to those with the highest needs. A detailed consultation plan has been drawn up to support this work.

Feedback will be used to develop final drafts of our service statement and policy. Feedback will also be used to inform specifications for future short breaks service. The organisations who bid to deliver our services will need to develop a proposed service model that takes account of these views.

¹ 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.

For children and adults, we will be asking for Delegated Officer award of a new short breaks contract/s following a competitive procurement process.

Timeline

Key Activity	Adults	Children
Pre-consultation and engagement	September and October 2 weeks to compile final feedback/ evaluation	September and October. 2 weeks to compile final feedback/ evaluation
Cabinet decision <ul style="list-style-type: none"> to agree short breaks strategies to agree public consultation on draft Short Breaks Policy (adults) and Service Statement (children's) 	22nd October 2018	22nd October 2018
10 week public consultation on draft policy and service statement	5 th November 2018 – 11 th January 2019	5 th November 2018 – 11 th January 2019
Evaluate consultation responses	2 weeks to compile feedback/evaluation – January 2019	2 weeks to compile feedback/evaluation – January 2019
Publish results of consultation and updated service statement and policy after key decision	February 2019	February 2019
Development of draft business case for future commissioning	January – March 2019	January – March 2019
Further Cabinet decision to approve the full business case for future commissioning and to request delegated officer award of contracts	March 2019	March 2019
Indicative procurement	Spring 2019	Spring 2019.
Indicative new service award	October 2019	October 2019

A. Narrative setting out the reasons for the decision

Decision making through the Local Authority and Clinical Commissioning Group has acknowledged the need to change our current short breaks offer.

- **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 people, including better support to manage need 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 people 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 for Children 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.

The development of our short breaks strategies has allowed us to articulate the vision and ambition for a new short breaks offer. Consulting on the detail of our short breaks offer with our service users and other stakeholders is the next step ahead of implementing our revised offer.

B. Other options available, and their pros and cons

The report presented to Cabinet in June 2018 set out the possible options for the future delivery of our short breaks offer.

The Local Authority has a statutory duty in relation to children's short breaks. For adults, the Local Authority should provide access to a range of services in order to meet somebody's assessed needs. Therefore, it has been recognised through decision making that ceasing provision is not an option.

Given this, the need to transform our current offer, as set out in Section A above, was supported. Using recommissioning to refocus our children's and adult's provision based on the principles agreed through a Short Breaks Strategy provides us with an opportunity to provide a

more sustainable service which offers flexibility and choice for service users, families and carers whilst also providing good value for money.

In terms of this second phase of consultation, advice has been taken on the length and format from both HB Public Law and the Communications Team. The consultation plan has been built on this advice and therefore alternative options for this consultation are not considered advisable.

C. Resource implications

The budget envelope for our Short Breaks offer was presented in detail at the June Cabinet.

Children's short breaks

The majority of spend on children's short breaks is on specialist residential short break services - over £3 million in 2017-18. In excess of a further £1m is spent on targeted services and a small amount is spent on universal services. The total spend was over £4.5m in 2017-18. In addition, further children's social care funds are spent on individually commissioned short break services such as direct payments and domiciliary care.

There is a previous overall savings target for children's short breaks for 2018-19 of £391k, which will not fully be delivered in year. The transformation of children's short breaks services to realise the vision of more community based short breaks services offering more choice and flexibility can only be achieved through reducing our reliance on residential short breaks. This is dependent on a change in practice including robust and transparent assessment of need and regular review. There will also need to be changes in how we meet assessed needs to deliver the same or improved outcomes, offering more choice and creating greater opportunities for children without the current level of reliance on residential buildings based care.

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 >£130k. There is a further c £50k spent on spot placements, mainly with a provider of respite in Reading. Other resources are deployed to support older people accessing respite.

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.

In terms of this specific phase of the project, the consultation exercise 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 by developing a value for money offer that

is close to where people live, that we build on already established links within communities. This includes support offered by wider family members, 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

Through the development of our children's and adults short breaks offers 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 throughout the lifetime of this project and will continue to be sought 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/ukxi/2011/707/made).

Buckinghamshire County Council will seek to evidence this through their draft Short Breaks Services Statement for Children, setting out their 'short breaks offer', which will be revised in line with the agreed strategy for short breaks and the outcomes of consultation on this. For adults the draft Short Breaks Policy which will be developed following pre-engagement, and will subject to consultation, both consultations starting in November 2018.

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 and support 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 assessed needs and be reflected in a revised care and support 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 Assessments (EIA) have been undertaken in relation to both the children's and adult's Short Breaks Strategies and for children the proposals for recommissioning. These are available at Appendices 3 and 4.

These Impact Assessments have been reviewed post 6 week consultation and will continue to be updated through the life of this work.

F. Property implications

Children's short breaks

Short Breaks services currently use three Council owned properties. Our proposal in the new Short Breaks strategy is to focus our recommissioning activity on an outcomes based specification. Dependent upon the outcome of any public consultation around the future offer, whilst residential provision will continue to be a key element of the short breaks offer, this could mean that we tender without a firm commitment around the long-term 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 continue to consider our approach once we have received feedback from the relevant public consultations. 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 Corporate Property colleagues to work through the detail and implications that, following public consultation, any preferred options will have on respective properties.

G. Other implications/issues

None

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

Views from responders of the 6 week strategy consultations have been compiled and recorded in the End of Consultation Reports attached. These views have been reflected in the final versions of the strategies as set out above.

The draft strategies were discussed at Children's Select Committee on 10 July and Health and Social Care Select Committee on 24th July. Both Select Committees were supportive of the overall direction of travel for short breaks, but both raised some queries in relation to transport and access to provision. Reassurance was provided that we will continue to provide services to meet assessed levels of need, with clear and consistent eligibility to give greater fairness and transparency across the offer. Transport and distance of travel to services will need to be carefully considered in developing the new offer, but will be supported through a wider variety of locally available provision. The Health and Social Care Select Committee also raised a challenge around the accessibility of the language in the Adult Short Breaks Strategy. Communications colleagues have continued to be involved through the further development of the documents to ensure accessibility, and work will also take place to ensure readability of the Policy and Service Statement.

The Cabinet Member of Children's Services and the Cabinet Member for Health and Wellbeing have been briefed throughout this project.

I. Communication issues

Communication will continue to be managed using a robust plan, prepared in partnership with the Council and CCG Communications Team. This includes tailoring communication to ensure that all stakeholder groups are able to contribute.

J. Progress Monitoring and Review

The delivery of these programmes will continue to 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 19 October 2018. This can be done by telephone (to 01296 382343), or e-mail to democracy@buckscc.gov.uk

Appendices

Appendix 1: Children's Short Breaks Strategy

Appendix 2: Adults Short Breaks Strategy

Appendix 3: End of Consultation Report – Adults

Appendix 4: End of Consultation Report – Children