

**CABINET**  
**12 JULY 2018****FUTURE PROVISION OF OVERNIGHT UNIT-BASED SHORT BREAKS FOR CHILDREN WITH DISABILITIES****Relevant Cabinet Member**

Mr A C Roberts

**Relevant Officer**

Director of Children, Families and Communities

**Local Members**

Mr N Desmond

Mr S Mackay

Mr L Mallett

Ms T Onslow

Mr P Tuthill

**Recommendation**

1. **The Cabinet Member with Responsibility for Children and Families recommends that Cabinet:**
  - (a) **notes the information relating to short breaks provision for children with disabilities contained in this report;**
  - (b) **notes the responses received to the consultation with families, professionals and wider stakeholders, including the report from the CYP Scrutiny Task Group and the CMR response, on the proposals to redesign the delivery of overnight unit-based provision and the additional information and comments received during this period as outlined in paragraphs 26 to 47 below;**
  - (c) **adopts the response by the Cabinet Member with responsibility for families and children to the Scrutiny Report "Future Provision of Overnight Unit-Based Short Breaks for Children with Disabilities" contained within this report (Appendix 1);**
  - (d) **agrees the continued delivery of short breaks overnight respite provision at Ludlow Road, Kidderminster during this financial year 2018/19, subject to further review of contract arrangements and sufficiency with Worcestershire Health and Care Trust and without prejudice to any future proposals for change which may be developed and any further consultation as may be appropriate;**

- (e) authorises the Director of Children, Families and Communities to work collaboratively with the Director of Adult Services to negotiate with the Worcestershire Health and Care Trust a variation of their contract, effective from 1 August 2018, for the delivery of overnight provision at Osborne Court and Ludlow Road in order to provide clarity on the service specification including cost, capacity and monitoring arrangements and to build into the contract the flexibility required for the service to adapt appropriately to future changes in demand including, where necessary, changes to the location of service delivery and/or age range of service users;**
- (f) authorises the Director of Children, Families and Communities to implement the proposal within the consultation to increase the capacity at Providence Road, Bromsgrove by the flexible use of one or two additional bedrooms (subject to the necessary changes to the Ofsted registration) as required to meet the needs of families who have an assessed need for overnight respite care now or in the future without prejudice to any future consideration in relation to Ludlow Road;**
- (g) authorises the Director of Children, Families and Communities in consultation with the Director of Adult Services to undertake co-design activity with parents, carers and wider stakeholders on short break/respite provision for children with disabilities, including the provision for young people, as they approach transition to adulthood, to ensure appropriate transition to adult services and/or independent living;**
- (h) endorses the proposals to engage with an appropriate level and type of advocacy and parent carer forum(s) in order to address concerns raised throughout this process in relation to pre-engagement with parent carers to support engagement and contribution to service redesign and improvement;**
- (i) endorses the intention for the Council's commissioners to work with the providers of overnight short break services to remodel the way services are provided in order to meet needs now and in the future and ensure maximum value for money, by exploring options and implementing improvements where appropriate;**
- (j) notes that financial savings are still required and that to the extent that any future proposals for service change require formal consultation with relevant stakeholders, a further report will be brought back to Cabinet at a future date as required to authorise consultation on such proposals.**

## **Purpose**

2. The purpose of this report is to provide Cabinet with the findings and recommendations as an outcome of the consultation on the future provision of overnight unit based short breaks for children with disabilities and to seek agreement of further actions to ensure that the future delivery of overnight unit-based short breaks in Worcestershire is sustainable and continues to meet the needs of families.

## **Background and context**

3. The findings and recommendations in this report have taken into account the recommendations of the Scrutiny Report on Future Provision of Overnight Unit-Based Short Breaks for Children with Disabilities. The response of the Cabinet Member with Responsibility for Children and Families to the recommendations in that report is included in this report (Appendix 1). Cabinet is referred to previous reports on the topic.

4. Schedule 2 to the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 require local authorities to provide services which are designed to give respite breaks for parents and carers of children with disabilities in order to assist them to continue to provide care or to do so more effectively.

5. Short breaks are part of a continuum of services which support children in need and their families. They include the provision of day, evening, overnight and weekend care and activities for the child or young person, and can take place in the child's own home, the home of an approved carer, or in a residential or community setting. Children and young people can have a range of complex disabilities which result in significant care needs during the day and/or night.

6. The duties on local authorities in relation to short breaks for individual disabled children and families can be summarised as follows:

- Duties to assess (both the child and their parent carer(s))
- Duties to decide, subsequent to the assessment, whether it is necessary to provide short breaks
- Duties to provide short breaks sufficient to meet needs where the decision is that it is necessary to do so, taking account of both the child's needs and the wider family context.

7. All disabled children are considered to be a child 'in need' (see section 17 of the Children Act 1989) and therefore the Council has a general duty to safeguard and promote their welfare by providing a range and level of services appropriate to their needs. If a disabled child or their parent requests an assessment then there is a duty to assess in each case, including any needs for carer support.

8. The National Health Service Act 2006 (as amended) states that a primary duty on Clinical Commissioning Groups (CCGs) is to commission services 'to such an extent as it considers necessary to meet the reasonable requirements of the persons for whom it has responsibility'. A specific duty rests with CCGs to assess for and meet continuing health care needs for children, in line with a [national framework](#). Packages of care for such needs which cannot be met from ordinarily commissioned services will be agreed in discussion with the parent/carer'.

9. There are important co-operation duties on local authorities and CCGs including:

- Children Act 2004 which requires local authorities and health bodies to co-operate to safeguard and promote the welfare of children in their area
- National Health Service Act 2006 which requires NHS bodies and local authorities to co-operate to advance the health and welfare of their populations
- Children and Families Act 2014 which imposes a range of duties in relation to co-operation including a requirement for joint commissioning arrangements to be in place.

### **Commissioning of short breaks provision in Worcestershire**

10. Improving outcomes for vulnerable children and young people, which includes those with a special education need and/or a disability (SEND), is a key priority within the Children and Young People's Plan.

11. Worcestershire's [Strategy](#) for Children with Special Educational Needs and Disabilities and Improvement Plan recognise the need for improved joint assessment of children and young people's needs, the need to build better relations with parent carers and the need to improve joint commissioning arrangements including the provision of personalised budgets.

12. The Council and CCGs recognise the value of feedback in shaping services and are committed to improving engagement with service users in the co-design of quality services that provide value for money. Commissioners appreciate the time and effort that parents have taken to express their views and feelings on these proposals during meetings and visits throughout the extended consultation period.

13. In Worcestershire a tiered approach to short breaks is available, ranging from community-based provision (including holiday and term-time play-schemes) to specialist services including residential (unit based) and family-based overnight and weekend care. Community short breaks are delivered by a number of providers in school and community settings (group based activity).

14. Commissioning of short break provision ensures that short breaks:

- Help to support a child or young person's social and emotional development
- Helps to support a child or young person learn new skills
- Provide a child or young person with new experiences
- Promote the welfare and safeguard children and young people
- Assist parents and carers who provide care for children with disabilities to continue to do so or to do so more effectively by giving them breaks from caring.

15. Recent commissioning activity has increased the number of providers able to deliver 1:1 support from 2 to 7, so increasing choice and flexibility for families, and a commissioning process is currently underway to ensure that group-based activities are widely available in the community.

16. Direct payments are also available to families who wish to access support in a way that meets their individual circumstances. The local authority has a duty, where requested, to prepare a personal budget, which is an amount of money identified by the local authority to deliver provision as set out in an Education, Health and Care Plan and to give greater choice and control for parents and young people over how their support is delivered.

17. Specialist short breaks services prioritise support for those families with children and young people who require the highest level of support and where caring responsibilities place significant stress on the whole family. They are available to eligible children and young people via a social care assessment of need. This assessment is carried out by the Children with Disabilities team (0 – 16 years) and the Young Adults Team (16 to 18 years). Specialist short break provision includes 1:1 support and overnight provision accessed in a family home (foster care) or residential overnight units.

### Summary of residential short break respite provision in Worcestershire

Name/location of unit	Name of provider	Comments
Osborne Court , Malvern	Worcestershire Health and Care NHS Trust	CYP bungalows are only part of the whole site provision CQC registered Ofsted registration pending
Ludlow Road, Kidderminster	Worcestershire Health and Care NHS Trust	Single 4 bedroom bungalow CQC registered Ofsted registration pending
Kidderminster Short Breaks Unit, Moule Close, Kidderminster	Worcestershire County Council	4 bedroom unit Ofsted registered
Bromsgrove Short Breaks Unit, Providence Road, Bromsgrove	Worcestershire County Council	6 bedroom unit of which 4 are funded/registered for use Ofsted registered

Family-based overnight provision is accessed by 25 children and delivered through a contract held with Barnardos Services Limited.

18. The pre-consultation review of unit-based overnight provision highlighted the differences in regulation of the short break overnight residential units. In line with published guidance it has since been confirmed that each of the four overnight units falls under the regulations for Children's Homes and requires registration with Ofsted. The process of registering the two Trust-led units is underway. The two Council-led units are judged by Ofsted as Good (Providence Road, Bromsgrove, October 2017) and Outstanding (Moule Close, Kidderminster, January 2018).

19. The pre-consultation review of unit-based overnight provision took account of:

- current capacity (based on the number of beds and nights that units are open)
- current allocation of provision to families (assessed need)
- the suitability of accommodation and facilities available
- the potential to deliver additional capacity at each unit and/or to spot purchase provision
- the average cost of an overnight stay at each provision
- geographical spread of provision and families

- the potential to meet needs through 1:1 support and/or overnight family based provision.

20. The pre-consultation review concluded with a set of future service design proposals (outlined in paragraph 20 below) and on 14 December 2017 the Cabinet agreed to consult on these proposals which aimed to ensure that provision (where unit-based overnight provision is assessed as a need) continues to be available to families who are currently accessing the service and those who may be offered the service in the future, at an appropriate unit.

### **Future service redesign proposals**

21. The future service re-design proposals contained within the consultation were to:

- Review the needs of all families currently accessing overnight unit-based (and in some cases other residential provision including residential school provision and/or hospice provision) to ensure that the needs of carers and children with disabilities are being met in the most appropriate way
- Cease the delivery of overnight provision at Ludlow Road, Kidderminster at the end of the summer term 2018 and provide suitable and alternative provision for existing users. This proposal was based on the consideration of the availability of other provision in the north of the county, the need to reduce the number of beds available to four, the potential costs of meeting Ofsted registration requirements and the potential to have more flexible and cost effective provision at Providence Road, which is also located in the north of the county
- Increase the capacity at Providence Road, Bromsgrove by the flexible use of one or two additional bedrooms (subject to the necessary changes to the Ofsted registration) as required.
- Review the use of Osborne Court unit in Malvern to ensure that the current capacity (including the use of the two bed 'emergency and assessment' bungalow) is used effectively.

22. Based on the above background and vision for the service, on 14 December 2017 Cabinet agreed to the recommendation that a consultation be launched with families, professionals and wider stakeholders on the proposal to redesign the delivery of overnight unit-based provision.

### **Consultation process**

23. The consultation on the proposals outlined above was launched on 8 January 2018 and remained open until 19 February 2018. A number of further responses were received and included following this date and meetings with stakeholders, including the Worcestershire Health and Care Trust and parents/carers, continued into April 2018 and the Council remained open to responses well after the official closing date.

24. Full details of the consultation process, documents and activity are included in Appendix 2 to this report and analysis of responses follows below. In summary the consultation process included:

- publication of the consultation details on the Council's website and circulation to a wide range of stakeholders
- letters to families currently accessing overnight unit based provision advising of the consultation and follow up letters to advise of drop in sessions, parent meetings and timelines
- one to one meetings with families accessing the Ludlow Road unit
- drop in sessions at Providence Road and Osborne Court units for families currently accessing the Ludlow Road unit
- information sessions with elected members and professionals and a parent carer meeting with Councillor Andy Roberts.

25. A consultation document outlining the proposals was made available, including an Easy Read version, and shared widely, via the Council's [website](#) and directly with families, professionals and settings including the overnight units and special schools.

### **Consultation responses**

26. Full details of responses to the consultation are contained as appendices to this report. Responses received can be summarised as follows:

#### **On-line survey**

27. An on-line survey was available for the duration of the consultation and was completed by 44 respondents.

28. A summary and full details of the recorded responses are included in Appendices 3a and 3b and can be summarised as follows:

- Most of the responses to the survey (85%) were from parent carers (35) and children/young people (2), just over half of whom (55%) stated that they currently access overnight respite through a residential unit (24). A large majority (66%) of the current service users who completed the survey are service users of Osborne Court in Malvern (9) and Moule Close in Kidderminster (7).

Responses from people who live in the Wyre Forest district (15) represented 34% of all responses. This was the highest representation from any one district. Two of the four units are located in the Wyre Forest district although service users live both within and outside of the district

- A large majority of responses (80%) were in favour of the first proposal to review the needs of all families accessing overnight unit based provision (35)
- A large majority of responses (66%) did not agree with the proposal to cease the delivery of overnight provision at Ludlow Road, Kidderminster at the end of the summer term 2018 and provide suitable and alternative provision for existing users (29)

- There was a mixed response to the proposal to increase capacity at Providence Road by the use of one or two additional bedrooms (12 agreed, 13 disagreed and 19 neither agreed nor disagreed). Concerns were expressed about overall capacity, staffing and ability to meet the needs of children with complex needs
- 19 responders (43%) agreed with the proposal to review the use of Osborne Court to ensure that the provision is used effectively. 9 responders (20%) disagreed with this proposal and 16 (37%) neither agreed nor disagreed
- The survey also asked: "Considering all four proposals as a whole, do you feel that the overnight short break needs of you and your family or the families you work with can be met?" There was a mixed response to this question depending on current provision accessed. In the main respondents are happy with their current provision and do not agree with the proposals for change
- Additional comments reflected the overall concerns that the proposals would impact on families' access to overnight respite.

### **Formal responses submitted by other means**

28. A formal response letter (included as Appendix 4) was received from the Worcestershire Health and Care NHS Trust providing narrative on the provision at both Osborne Court and Ludlow Road and providing stakeholder and staff feedback. This feedback includes responses from parents to previous proposals in respect of Ludlow Road unit and express opposition to the proposal to cease provision at this unit. Staff feedback similarly expressed concerns regarding the proposals and the ability of alternative provision to meet the particular health needs of children currently accessing the unit. A number of queries on the data within the published position statement and commentary on the calculation of costs were included. At a meeting with the Worcestershire Health and Care NHS Trust on 19 April 2018 further information was received including financial information relating to the Trust's calculated costs of service delivery at both Osborne Court and Ludlow Road. This financial information provided commissioners with details of new information pertaining to provider's breakdown of costs for Ludlow Road and Osborne Court. This has not been previously available.

29. Further formal responses have been collated and are included in Appendix 5, personal information has been redacted to ensure confidentiality for families. These responses express the value of short breaks provision to families and endorse the quality of care and support provided, as well as expressing concerns at the proposals that potentially change the location of provision and concerns regarding the information available to parent carers about the possible alternatives. The content of these responses has been considered alongside responses received via the on-line survey, face to face meetings and group meetings.

### **Meetings with parents**

30. Early in the consultation commissioners contacted each family impacted directly by the proposal that considered ceasing the provision of overnight short breaks at Ludlow Road. A one to one meeting was offered with a member of the commissioning team and a Social Worker from the Children with Disabilities or Young Adults' team as appropriate.



31. The purpose of these meetings was to ascertain the views of the families, including those of the child or young person concerned, about the proposals contained in the consultation and to have a discussion about what might be suitable alternative provision if Ludlow Road was not available for overnight short breaks. This was for the purposes of informing feedback on the proposals.

32. The collection of views on possible alternative provision was necessary to inform the development of proposals and to enable the commissioning team to calculate increased demand on alternative provision and to analyse how this could be met.

33. A social worker known to the family attended meetings where this was possible. In some cases this was not possible either because the social worker no longer worked for the Council or due to the timing of meetings. In every case the commissioning team worked with the family to ensure that views of professionals who were unable to attend the meetings were also obtained if possible. The amount of time and effort that families put in to arranging and engaging in these meetings and the follow-up activity, including submission of formal responses, is appreciated and valued by the commissioning team.

34. Prior to the meetings a review of the health and social care needs of each child or young person had been completed so that the commissioning team and social worker had an understanding of the needs of the family and an indication of the alternative provision that may be suitable prior to discussing this with the family.

35. Following each meeting notes were shared with families as a record of the discussion and consultation responses recorded. Due to the personal information contained within these notes they have not been included in this report.

36. Views and concerns of families on the proposals were also captured during the meetings and have been taken into consideration in formulating the recommendations in this report.

### **Meeting with the Cabinet Member with Responsibility**

37. Following a request from parents to meet with the person with responsibility for making the final decisions on the proposals (as agreed by Cabinet on 14 December 2017), before final recommendations were made, Councillor Andy Roberts, supported by the commissioning team, met with parents and carers affected by the proposals on 8 March 2018. Parent/carers of all Worcestershire children attending one of the four overnight short break units were invited to the meeting. 8 parent/carers and 2 family friends attended.

38. The notes from this meeting have been published for those who could not attend on the Council's [website](#) and are attached as Appendix 6. The views expressed at the meeting have been considered as part of the wider consultation process.

39. Topics of discussion at the meeting included the consultation process, communication with parents, arrangements for meetings, the response to the consultation by the Worcestershire Health and Care Trust, the proposals in the consultation, funding and the next steps in the process.

## **Petition**

40. A petition was organised by members and candidates from Wyre Forest Labour alongside a parent carer of a young person who accesses Ludlow Road short breaks unit.

41. The petition campaign was called 'Save Ludlow Road Short Breaks Respite Centre' and the detail provided was:

42. *"We, the undersigned, call upon Worcestershire County Council to maintain funding for Ludlow Road, Kidderminster, NHS Short Breaks Service, and keep it open. Further, we call upon the NHS, CCG, and other statutory health & care bodies to work with the County Council to find a solution to secure its future. Ludlow Road provides specialist care for the disabled young people that use it, and so allows their carer families the valuable respite they need. Such specialist services cannot be readily replaced and closure will likely lead to demands elsewhere in the health and care system making the closure of Ludlow Road a false economy."*

43. The total number of signatures received was 8,225. The online petition had 7,056 signatures (as of 18 February 2018) and a paper version of the petition had 1,169 signatures.

44. The parent carer leading the petition attended Council on 15 February 2018 as part of the Public Participation agenda item and presented the full petition and a collective parents' letter and read out a personal statement.

## **Overarching themes from the consultation responses**

45. The detail of the consultation responses has been considered fully in the development of the recommendations in this report and the future proposals for the provision of overnight respite care. The broad themes that the team heard about short breaks provision were:

- Families value the respite care provided by all of the short breaks units and staff are trusted to provide the care their child needs
- It can take time for parents to recognise that this support can assist them and to develop the trust in the staff that is needed to ensure that a beneficial short break is provided
- Flexible provision that can adapt to the needs of families and to the varying health and care needs of the child or young person is essential to meet the need of families for a short break.

46. The themes the team heard about the proposals contained within the consultation document were:

- concerns about the impact of a change of provision (for those accessing Ludlow Road), particularly for young people and their transition to adult provision
- questions and concerns as to the cost, capacity and flexibility of the proposed provision and whether any savings would result from the proposed changes

- questions and concerns as to whether units run by the Council could meet the health needs of children and young people currently accessing NHS (Worcestershire Health and Care Trust) run provision
- overall support for the proposal to assess the needs of families
- opposition to the proposal to cease funding for Ludlow Road and concerns about the possible impact on families accessing other units and
- concerns as to whether reviewing the provision at Osborne Court would lead to a loss of flexibility and/or emergency provision.

47. Further detail on the content of responses from families currently accessing overnight unit based short breaks is contained in Appendix 7.

### **Consideration of proposals and recommendations**

48. Following feedback from families, stakeholders, partners and other interested parties and considering additional information that has been submitted to date (including the Scrutiny report and CMR response) it is possible to further consider the redesign proposals and establish recommendations in relation to each proposal.

#### **Consultation proposal 1 – review of the needs of all families currently accessing overnight unit-based respite provision**

49. Consultation responses indicated support for this proposal (80% of survey responses agreed), in order to ensure that the needs of all families accessing overnight unit based provision are understood and continue to be met as appropriate. The review of need and provision is part of the continuous social worker assessment process as outlined in Appendix 10 to this report and is being undertaken by the CWD social care team and Young Adults Team.

#### **Consultation proposal 2 – Cease the delivery of overnight provision at Ludlow Road, Kidderminster at the end of the summer term 2018 and provide suitable and alternative provision for existing users (see also proposals 3 and 4 below)**

50. In considering this proposal we have taken into account feedback provided by families both during and following on from their one to one meetings and as consultation responses, the views of professionals on the health and social care needs of the children and young people. Overall responses to this consultation proposal are contained elsewhere in the report but it is important to note the considerable concern expressed by parent carers about the proposal and in particular the impact of change on them and their children. In particular, the parent carers of all older young people who responded expressed concern about the impact that a change of provision, followed by transition to adult services within a short time, would have on the young people concerned.

51. The overall assessment of suitable alternative provision **for the current service users at Ludlow Road** was analysed to give an indication of the additional capacity requirements at both Providence Road and Osborne Court, the likely impact on travel distances for current families and the overall financial impact if this proposal were implemented. This analysis is contained within Appendix 11 to this report.

**Consultation proposal 3 – Increase the capacity at Providence Road overnight short breaks unit in Bromsgrove by the flexible use of one or two additional bedrooms (subject to any necessary changes to the Ofsted registration) as required**

52. Consultation feedback to this proposal was mixed, based on the concerns as to whether the unit could meet the health needs of children currently accessing Ludlow Road, whether the provision could be provided without delay, and the impact of the additional costs of staffing two beds on potential savings.

53. Development of the unit, to provide additional accommodation, was completed in 2015 but has not been operational due to funding not being available for staffing costs. The accommodation comprises two fully furnished bedrooms (one of which has hoisting equipment and an electric bed), a staff sleeping in/office space, an adapted bathroom suitable for wheelchair users, lounge area with sofa, TV and chairs, access to a secure and separate (if required) garden and a small kitchen suitable for the preparation of snacks. This part of the unit can be self-contained with separate access arrangements if required or can be accessed as part of the main unit. An amendment to the current Ofsted registration of the unit as a Children's home would be required before the additional accommodation could be utilised.

54. An estimate of additional costs to the Council of increasing provision at the unit by bringing into use the two unused bedrooms and ancillary accommodation at the unit has been calculated as detailed in paragraph 64 below. This provision will be able to meet the needs of children and young people, some of whom may have specific health and care needs.

55. The additional costs considered include:

- additional staffing costs to cover a ratio of 5 staff to 6 children and increased hours for the Senior Residential Support Worker to cover additional supervision requirements
- provision of permanent night waking staff for every overnight stay (currently night waking staff are present only on nights where assessment of need indicates that this is necessary)
- additional cleaning and catering staff
- increased food and supply costs due to increased numbers
- increased activities budget.

56. The cost of child-specific equipment including additional sleep systems has not been included as it is assumed that these are child specific and would be considered on a case by case basis or transfer if a child was moving from a different provision.

57. The calculated additional cost for the operation of two additional beds 7 days a week, 52 weeks of the year has been estimated to be a maximum of £151k in a full year. However, the additional capacity is likely to be phased in according to need and therefore the full year impact of the proposal would be less than this based on occupancy levels.

**Consultation proposal 4 – Review the use of Osborne Court in Malvern to ensure that the current capacity (including the use of the two bed 'emergency and assessment' bungalow) is used effectively**

58. Osborne Court is a health unit for both children and adults with a range of health needs including challenging behaviours, learning and physical disabilities. Consultation responses to the proposal to review the provision varied but all, where comments were made, are in support of the provision at the unit, in favour of emergency provision being available and in favour of a review that resulted in provision being maintained at least at the current level.

59. Children and young people's short break accommodation comprises one main unit which has 6 beds, 5 of which are funded for routine short breaks, and an 'emergency and assessment' bungalow comprising 2 beds. This 2 bed bungalow is designated for emergency provision, such as care for children and young people when carers are ill or receiving treatment themselves, and is funded separately. This provision is also used to provide flexibility of provision for those children and young people displaying potentially risky and harmful behaviours.

60. The provision at Osborne Court is currently commissioned as a block contract. The cost of delivery of this provision delivered under this contract has recently been shared by the Trust. For the purposes of this report, the cost of commissioning an additional bed at Osborne Court has been estimated by the Council, from the financial information provided by the Worcestershire Health and Care Trust (see Appendix 8) at a meeting with the Council in April 2018.

61. Further work is needed with the Trust to provide clarity on the service specification for this provision including cost, capacity and monitoring arrangements and to build in to the contract the flexibility required for the service to adapt appropriately to future changes in demand including, where necessary, changes to the location of service delivery

62. Based on the cost per bed night provided by the Worcestershire Health and Care NHS Trust the estimated cost of commissioning an additional bed at Osborne Court, seven nights per week, is £139,000 in a full year.

63. It should again be noted that the Worcestershire Health and Care NHS Trust has applied to register the unit at Osborne Court as a Children's home. The timetable for registration indicates that this should be complete by 1 September 2018, depending on requirements for registration. The impact of this on the future operating model of the unit and its maximum capacity are not yet known.

**Other relevant information**

64. During the consultation questions were raised as to the likely future demand for overnight respite care based on predicted numbers of children and young people with

disabilities and the availability of alternative short break provision. Appendix 12 to this report provides additional information on trends in demand and factors likely to impact on future demand as well as further information regarding current provision which is relevant to this question.

## Financial Information

65. Work undertaken over the last six months has identified that the WHCT have different costs of delivery for overnight short break provision at Ludlow Road and Osborne Court compared to those detailed in the current contracts.

66. The previously identified full cost of the Ludlow Road contract was £624K of which £546k had been funded via the Public Health Ring-Fenced Grant and £79k by the CCGs. The £546k is no longer available within the current budget, however it has been assumed that the CCG contribution of £79k will continue to be available to support the future provision. The cost of delivery at the Ludlow Road unit, based on recently provided WHCT financial information, is £458k per annum, i.e. £166k less than the contract value of £624k.

67. Based on WHCT financial information, the cost of delivery of at Osborne Court is £588k, which is £172k higher than the apportioned contract value relevant to children's services of £416k.

68. A summary of the overall full year financial implications of the original proposals is detailed in the following table, which identifies that there would be a budget shortfall of £384k against the savings requirement.

	Existing £'000	Proposal £'000
Ludlow Road	546	0
Osborne Court	416	588
	962	588
2 additional beds @ Providence Road		151
1 additional bed @ Osborne Court		139
	962	879
Savings forecast to be achievable		83
Contribution from CCGs		79
Savings required		546
<b>Shortfall in savings</b>		<b>384</b>

## Consideration of consultation proposals and recommendations

69. The process of consulting on the redesign of overnight unit-based short breaks provision has improved the Council's understanding of the value and benefits of short breaks provision to families, and the cost of the provision. This report contains detailed

information (both within the report and the appendices) resulting from the consultation and the analysis of the resulting information.

70. Cabinet has also, at its meeting on 14 June 2018, considered the outcome of pre consultation engagement relating to the provision of replacement services for adults with learning disabilities. The outcome of this engagement together with the extensive feedback from families and other stakeholders to this consultation have been analysed in order to inform the following recommendations.

**71. Recommendation: Cabinet are asked to note the information relating to short breaks respite provision for children with disabilities contained in this report and to note the responses received to the consultation with families, professionals and wider stakeholders on the proposal to redesign the delivery of overnight unit-based provision and the additional information and comment received during the period as outlined in paragraphs 25 to 47 above;**

72. Whilst the analysis of the service re-design proposals show that the needs of families for overnight short breaks respite could continue to be met with a different configuration of beds and units, under current contractual arrangements and costs provided it may be suggested that the service re-design proposals do not realise sufficient savings to justify the change that would be required for children and young people, particularly those who are young adults.

**73. Recommendation: Cabinet are asked to agree the continued delivery of short breaks overnight respite provision at Ludlow Road, Kidderminster during this financial year 2018/19 subject to further review of contract arrangements and sufficiency with Worcestershire Health and Care Trust and without prejudice to any future proposals for change which may be developed and any further consultation as may be appropriate.**

**74. Recommendation: Cabinet are asked to authorise the Director of Children, Families and Communities to work collaboratively with the Director of Adult Services to negotiate with the Worcestershire Health and Care Trust a variation of their contract, effective from 1 August 2018, for the delivery of overnight provision at Osborne Court and Ludlow Road in order to provide clarity on the service specification including cost, capacity and monitoring arrangements and to build in to the contract the flexibility required for the service to adapt appropriately to future changes in demand including, where necessary, changes to the location of service delivery and/or age range of service users.**

75. The information gained through the consultation and assessment process, including health input, has confirmed that there are children accessing Ludlow Road whose health needs could equally be met at Providence Road and that this would reduce the travel time and distance for these children from home and/or school. The two additional bedrooms referred to in the consultation were created in 2015 and are fully equipped and ready for use. It is therefore proposed, subject to the necessary changes to the unit's Ofsted registration, that these two beds are brought in to use on a flexible basis to meet current and future need. This reflects appropriate use of public funds previously invested to improve and enhance Worcestershire County Council's overnight short break offer. Pending any future decision on the delivery of overnight short breaks provision, any transfer of current service users to Providence Road, from Ludlow Road, will only occur with parental agreement and based on the assessed needs of the child/young

person and in conjunction with contractual negotiations with the Trust in paragraph 83 above to ensure that the Council does not double fund provision.

**76. Recommendation: Cabinet are asked to authorise the Director of Children, Families and Communities to implement the proposal within the consultation to increase the capacity at Providence Road, Bromsgrove by the flexible use of one or two additional bedrooms (subject to the necessary changes to the Ofsted registration) as required to meet the needs of families who have an assessed need for overnight respite care now or in the future without prejudice to any future consideration in relation to Ludlow Road.**

77. Cabinet will be aware of the report in June 2018 from the Cabinet Member with Responsibility for Adult Social Care on the future provision of replacement care (overnight respite) services for adults with a learning disability. During the consultation on overnight provision for children with disabilities, families with older children frequently expressed concerns regarding the potential impact of change as their children approach the transfer to adult services for young adults, including uncertainty as to the availability and location of adult provision. There is an opportunity for the two directorates to work together with parents and carers on the co-design of services for young adults, alongside co-design activity with parents, carers and wider stakeholders to consider the provision of short break provision across all ages to increase choice and flexibility of provision now and in the future.

**78. Recommendation: Cabinet are asked to authorise the Director of Children, Families and Communities in consultation with the Director of Adult Services to undertake co-design activity with parents, carers and wider stakeholders on short break/respite provision, including the provision for young people as they approach transition to adulthood, to ensure appropriate transition to adult services and/or independent living.**

79. Current delivery of overnight unit based provision through a block contract and County provided units, does not lend itself to the use of personal budgets and choice and flexibility of provision for families. Work is needed with potential providers of overnight provision to engage in dialogue as to how this provision can be developed alongside current service delivery.

**80. Recommendation: Cabinet is asked to endorse the intention for the Council's commissioners to work with the providers of overnight short break services to remodel the way services are provided in order to meet needs now and in the future and ensure maximum value for money, by exploring these options and implementing improvements where appropriate.**

**81. Recommendations: Cabinet is also asked to endorse the proposal to engage with Families in Partnership (the recently formed parent carer forum) in order to address concerns raised throughout this process in relation to pre-engagement with parent carers and the proposal to engage with advocacy services for both children and adults to support engagement in service redesign and improvement.**

82. Financial savings are still required and that to the extent that any future proposals for service change require formal consultation with relevant stakeholders, further reports will be brought back to Cabinet at a future date as required to authorise consultation on such proposals.



## **Legal Implications**

83. The statutory duty to provide short break provision is contained in Schedule 2 to the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 which require local authorities to provide services which are designed to give respite breaks for parents and carers of children with disabilities in order to assist them to continue to provide care or to do so more effectively. More generally, Section 27 of the Children and Families Act 2014 requires the Council to keep under review the social care etc provision for children and young people who have SEN or a disability, and consider the extent to which that provision is sufficient, having regard to the assessment of needs and joint health and wellbeing strategy.

## **HR implications**

84. The identified HR implications for the Council arising directly from this report relate to the additional staff that are potentially required in order to support the use of two additional beds at Providence Road which is a unit operated by the Council. The Worcestershire Health and Care NHS Trust are working with their staff regarding any implications in relation to Osborne Court and Ludlow Road arising from this report.

## **Financial implications**

85. The report to Cabinet in December 2017 identified that the financial impact of the proposals within the consultation would be finalised as part of the consultation process. A recurring budget reduction of £546k has been applied to this and future years' budget due to the decrease in Public Health Ring-Fenced Grant. This report provides further implications of the financial impact and has also highlighted that there are differences between the contract value funded by the Council and the cost incurred by the Trust for service provision at both Osborne Court and Ludlow Road. Further work is therefore needed between the Council and Worcestershire Health and Care Trust to clarify the contract values for this provision.

86. The results of the consultation costs of alternative provision and analysis of information received show that the planned savings of £546k will not be fully achieved by implementing these proposals, and therefore achievement of the savings will be delayed further. The in-year financial implication has been mitigated by identifying alternative one-off sources of funding to meet the budgetary shortfall. The Council will need to consider how to meet those planned savings, and options for the future assessed in the light of the commercial work to be undertaken as set out in this report.

## **Privacy and Public Health Impact Assessments**

87. These proposals have no direct impact on information risk or privacy impact at this stage.

88. These proposals have no direct impact on information risk or privacy impact at this stage.

89. A Public Health Impact Assessment of the proposals is not required at this stage based on a review of the recommendations within this report.

### **Equality and Diversity Implications**

90. The Council is fully aware of its Public Sector Equality Duty obligations as set out in numerous reports to Cabinet. An Equality Impact Screening of the proposals within the consultation indicated that a full Equality Impact Assessment was required. The completed EIA for the recommendations in this report is attached as appendix 9.

### **Supporting Information – Available electronically only**

- Appendix 1:** Response of the Cabinet Member with Responsibility for Children and Families to the Scrutiny Report – Future provision of overnight unit-based short breaks for Children with Disabilities
- Appendix 2:** Summary of consultation activity
- Appendix 3a:** Summary of the responses to the on-line consultation survey
- Appendix 3b:** Detail of the responses to the on-line consultation survey
- Appendix 4:** Response from the Worcestershire Health and Care NHS Trust to the consultation
- Appendix 5:** Summary of other formal responses to the consultation
- Appendix 6:** Notes of the meeting of the Cabinet Member with responsibility for Children and Families with parent carers
- Appendix 7:** Content of letter from families accessing unit based short breaks
- Appendix 8:** Financial information received from Worcestershire Health and Care NHS Trust
- Appendix 9:** Equality Impact Assessment
- Appendix 10:** Social work assessments

**Appendix 11:** Analysis in relation to consultation proposal 2

**Appendix 12:** Additional relevant information in relation to demand and provision

### **Contact Points**

County Council Contact Points  
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Specific Contact Points for this report  
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### **Background Papers**

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of the Cabinet held in July 2015, 16 May 2016 and 14 December 2017

[Report](#) of the Overnight Unit-Based Short Breaks for Children with Disabilities Task Group – as presented to the Overview and Scrutiny Performance Board meeting on 26 April 2018.