

**CABINET**  
**26 SEPTEMBER 2019****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 respite provision for children with disabilities contained in this report, including the results of the consultation on the proposed model for the delivery by Worcestershire Health and Care NHS Trust (the Trust) as outlined in paragraphs 23 - 32 below and Appendix 1 attached;**
  - (b) agrees the future model for the delivery by the Trust of short breaks provision outlined in paragraphs 19 – 22 below; and**
  - (c) authorises the statutory Director of Children's Services to take all appropriate steps to implement that future model, including varying the contractual arrangements with the Trust as necessary to implement the changes, and any future variation to the commissioned provision, to ensure the Council continues to meet its sufficiency duty in relation to the provision of short breaks.**

**Background**

- 2. This report updates Cabinet on the outcome of the consultation on the proposed model for the delivery by Worcestershire Health and Care NHS Trust (WHCT) of overnight short breaks for Children and Young People. It seeks agreement to the implementation of the proposed model.**

3. The findings and recommendations in this report have considered the decisions of Cabinet in July 2018 including those relating to the Cabinet Member with Responsibility response to the Children and Young People Scrutiny Task Group report “Future provision of Overnight Unit-Based Short Breaks for Children with Disabilities” and in June 2019 to carry out a consultation. Cabinet is referred to previous reports on the topic including the 14 December 2017, 12 July 2018 and 6 June 2019 Cabinet reports.

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. Regulation 4 of the 2011 Regulations states that: “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.”

6. Short breaks are part of a continuum of services which support children in need and their families. Local authorities must provide, as appropriate, a range of provision including day and overnight care as well as educational or leisure activities for disabled children outside their homes. Short breaks take place in the child’s own home, the home of an approved carer, or in a residential or community setting.

7. 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.

8. 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.

9. The National Health Service Act 2006 (as amended) states that a primary duty on Clinical Commissioning Groups (CCGs) is to commission healthcare 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 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/carers.

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

- the Children Act 2004 which requires local authorities and health bodies to co-operate to safeguard and promote the welfare of children in their area

- the National Health Service Act 2006 which requires NHS bodies and local authorities to co-operate to advance the health and welfare of their populations
- the 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.

11. From the age of 18, adults with disabilities who are eligible for Council-funded services under the Care Act 2014 can receive "replacement care", also known as "respite" from caring or "short breaks". This is the support provided to an individual due to a carer having a break from their usual caring role, and usually involves overnight care for one or more nights. These can be planned breaks or short notice in emergency situations. Planned replacement care is identified in an individual's needs assessment and support plan, which sets out the number of nights of replacement care required for that individual per year. Planning the transition from children's short breaks to adults' replacement care provision is an important part of a young person's transition into adulthood.

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

12. 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.

13. Worcestershire's Strategy for Children with Special Educational Needs and Disabilities and Worcestershire Local Area SEND Action 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 and better joint planning and preparation for the transition into adulthood. The five key workstreams of the Action Plan, which are informing the design of a range of services which is sufficient to assist carers, are:

- The Local Offer
- Embedding the graduated response
- Assessment and planning
- Joint Commissioning and Leadership, and
- Workforce and Engagement.

14. In Worcestershire a range of short breaks are available, including community-based provision (including holiday and term-time play-schemes) to specialist services including residential (unit-based) and family-based overnight and weekend care.

15. Commissioning of short break provision must have regard to the needs of carers who would be unable to continue to provide care unless breaks from caring were given to them, as well as the needs of those carers who would be able to provide care more effectively if breaks from caring allowed 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.

16. Short breaks in themselves should:

- Help to support a child or young person's social and emotional development
- Help 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.

17. The report to Cabinet in June 2019 detailed the range of short break provision currently available to families with Children with Disabilities in Worcestershire, the results of co-design activity with families, and the impact of re-commissioning activity during 2018.

### **Consultation on the future delivery of overnight short breaks by the Trust**

18. Cabinet considered a proposal for the future model of delivery of overnight short breaks by the Trust in June 2019 and authorised the Director of Children, Families and Communities to carry out a consultation on the proposed changes as detailed in the consultation pack at Appendix 1.

19. The proposed model is based on a proposal by the Trust to develop the Osborne Court campus in Malvern to create 4 more bedrooms for children in the unit currently used for adults of which 2 beds would be commissioned by the Council and 2 would be for other commissioners to buy. To enable this change the Trust propose refurbishing two currently unused bungalows on the same site to create a unit for adults with 5 bedrooms.

20. The proposed delivery model does not include the use of the Trust-run Ludlow Road short breaks unit in Kidderminster thus leading to the closure of the unit if the proposed model is agreed.

21. The proposed investment into the site in Malvern by the Trust is significant and involves a reconfiguration of accommodation resulting in two children's units located next to each other and the adult service moving into the refurbished bungalows. A further additional single occupancy unit is currently available for those children and young adults with the most challenging behaviours who require a service on their own. This unit has previously been designated as children's provision only (and is subject to Ofsted registration) but in the future young people reaching the age of 18, with an assessed need for respite provision, will be able to be funded by adult services to continue to use the provision during transition. This change has already been implemented for current users of the service, where appropriate, as they reach 18.

22. As stated above, the proposed future delivery model does not include delivery at the short breaks unit in Ludlow Road, Kidderminster, which would result in current users of the service accessing short breaks at alternative overnight provision in units or family-based support. The proposed additional beds at Providence Road in Bromsgrove (approved July 2018) and at Osborne Court in Malvern would provide equivalent replacement provision (24 bed nights per week compared to Ludlow Road's 20 bed nights per week) and flexibility to meet future demand. There are 18 families currently accessing Ludlow Road who will require an alternative provision from April 2020 whose future needs have been assessed during the consultation and one family who will be in transition to adult provision (as appropriate) by April 2020.

### **Summary of consultation process and analysis of responses**

23. The consultation was open from 14 June 2019 to 1 August 2019; however feedback continued to be collected after the end of the consultation to ensure that all families could ask questions and comment on the proposals. Several different options were available to professionals and families wishing to comment on the proposals, responding to feedback on previous consultations that indicated a range of preferences. This included a request for drop-in sessions which were facilitated across a number of days and locations. Feedback was gathered in the following ways:

- Online and printed survey
- Consultation drop-in sessions
- One-to-one conversations with families.

24. Details of the on-line survey responses are at Appendix 2 and included in the summary and analysis below.

25. Four drop-in sessions were held throughout July with representatives from the Council's Children's Services and the Trust. Three drop-in sessions were held at Ludlow Road Short Breaks Unit (two on a weekday and one on a weekend) and one weekday drop-in session at Perdiswell Young People's Leisure Club in Worcester. The drop-in sessions enabled families to have the proposals explained in more detail, ask any questions, share thoughts and feedback and have one-to-one conversations if required. These sessions were available for any family to attend but only those who access Ludlow Road Short Breaks Unit came along. A total of five families attended the drop-in sessions with some families attending more than one session.

26. A number of families requested one-to-one conversations about the proposals either face-to-face or over the phone. Other families spoke directly to their social worker or short breaks review worker to ask questions and give their feedback on the proposals and preferred alternative overnight short break provision. All families currently accessing Ludlow Road have been contacted in at least one of the above ways and are aware of the proposals, and all comments and feedback have been fed into the consultation. The support received at Ludlow Road is highly valued by families and those who currently access the unit do not want it to close. Families value the 'home from home' feel of Ludlow Road as well as the relationships that staff have built up with children and the whole family.

27. The key concerns about the proposals that were raised by families currently accessing Ludlow Road are summarised below, together with a response and an analysis of the potential impact on families of the proposal to close Ludlow Road:

Concern	Response and analysis of impact on families
<p>There will be a lack of provision in the north of the county – now and in the future as the population grows</p>	<p>Overnight short breaks would continue to be delivered in a number of locations including unit-based provision in Kidderminster, Bromsgrove, Malvern and Worcester (purchased provision at Acorns Hospice) and family-based across the county. All units provide services to children and young people based on the suitability of the provision and ability to meet needs as well as their geographic location.</p> <p>The proposed delivery model has an overall increase in the availability of provision (total number of bed nights per week) and the flexibility to commission further beds at Osborne Court if required to meet need in the future. Therefore, the potential impact on the availability to current and future families of appropriate provision by ceasing the use of one unit in the north of the county is minimal (see also travel concerns below).</p>
<p>The travel distance to alternative units would increase for some families. This would impact on:</p> <ul style="list-style-type: none"> <li>• Respite time for the family due to the time it would take to take/collect children at weekends and holidays which would reduce the break for families. A small number of families choose to deliver feeds to the unit during respite stays as they live nearby.</li> <li>• Meaningful respite for the family, some families would be concerned about the distance they are away from the children in case of emergencies which would impact on</li> </ul>	<p>The overall impact on travel distance (and therefore time) of the proposals has been calculated, based on the assessed alternative provision for each impacted family accessing Ludlow Road provision.</p> <p>Analysis shows that for two families the travel distance from school to the proposed alternative unit is shorter but the distance to home is longer, for two families the travel distance from both home and school to the proposed alternative unit is longer, and for fourteen families the proposed alternative unit is closer to both home and school.</p> <p>Travel distance has been taken into account in identifying suitable alternative provision for each family accessing provision at Ludlow Road currently.</p> <p>Where there is an identified negative impact on travel distance from home to the alternative unit an assessment of the need for travel support is being completed. There are no circumstances where a parent is required to routinely deliver food or medicines to the unit during an overnight stay.</p>

<p>them being able to rest and relax</p> <ul style="list-style-type: none"> <li>• Health and happiness of the child – some children become very unsettled when travelling or can't travel long distances due to their health needs</li> </ul>	<p>Concerns about the distance away from home in an emergency are understood however staff at the units are trained to deal with emergencies arising from the health needs of children and young people, including where necessary arranging for hospital admission.</p> <p>For families who are eligible for school to home transport this is replaced by school to unit transport on days that the child or young person travels directly between the unit and school. A small number of families are not eligible for school to home transport and in each of these cases a separate assessment relating to travel support is being completed.</p> <p>Fourteen families live closer to the alternative unit identified and therefore the impact on meaningful respite provision will not be negatively impacted for these families.</p> <p>Four children/young people will have a longer journey to/from home to unit and of these two will also have a longer journey to/from home to school as well. The choice of alternative provision has taken careful consideration of the health impacts of these longer journeys and the future planning of provision (eg days of the week etc) will seek to minimise the impact.</p> <p>Overall the impact on travel and related concerns is positive for the majority of families and on balance the negative impact for the remainder can be managed by careful planning and assessment of travel support needs.</p>
<p>Transitions (moving to another unit) can be very difficult for the child and whole family</p>	<p>It is recognised that changes in provision can be difficult for the children and young people accessing overnight provision and their wider families. Careful planning of transitions, tailored to the individual needs of each family will help to mitigate the impact.</p> <p>Alternative provision is, in the main, managed by the same Trust (with the potential for some staff transferring to the new provision minimising the impact of change) or directly managed by the Council therefore supporting close working between the unit managers and the Children with Disabilities team.</p>

	<p>Whilst there would be some short-term impact of transitions the longer term benefits of the proposals include increased adult provision at Osborne Court (so supporting a transition on the same site for more young people, based on assessed need for replacement care) and the creation of a stable, resilient, sustainable and responsive service for families that is not under constant review.</p>
<p>Providence Road would not have the nursing staff that Ludlow Road and Osborne Court currently has – families were concerned that the needs of some children could not be met at Providence Road</p>	<p>The consideration (by social care professionals and families) of the health and care needs of each child and young person accessing Ludlow Road, and impacted by the proposals, has informed the identification of suitable alternative unit or provision. Other factors such as travel distance and family preferences have also informed decision making where more than one unit is suitable.</p> <p>The alternative provision identified is as follows:</p> <p>10 CYP – Providence Road 7 CYP – Osborne Court 1 CYP – other, due to health needs.</p> <p>Staff at Providence Road are trained and supervised to meet the health needs of the children and young people who attend their unit and this training (which is specific to each child for some procedures) is in place prior to any child or young person attending the unit.</p> <p>In summary this concern has been addressed in the assessment of need, individual planning for each child and young person and in conversation with families.</p>
<p>Consultation and change causes a lot of stress for families</p>	<p>This is recognised and the proposed model has been developed in order to support the development of a service that is stable, resilient, sustainable and responsive for families and is not under constant review.</p> <p>Transition plans that address the individual needs of families during the implementation of the proposed changes (if agreed) will seek to mitigate the impact of change.</p>
<p>The proposal by Acorns to close Walsall Children's Hospice, and changes to the</p>	<p>The proposal to close the Walsall Acorns Hospice has been suspended by Acorns, at the moment. The Council and CCG are in close contact with Acorns</p>



<p>eligibility criteria at Acorns in Worcester will impact on the amount of short break units needed across Worcestershire.</p>	<p>regarding their proposals and will work with Acorns to understand the impact on the Worcester hospice should the proposals be reinstated in the future.</p> <p>Changes to criteria for overnight provision at Acorns in Worcester have already been implemented by them and as a result where there is an assessed need for overnight provision from the Council this has been provided within the current system.</p> <p>As noted elsewhere the proposed delivery model would result in increased capacity in the system and the ability for the Council to commission additional provision from the Trust in the future if this is required.</p> <p>The impact of the changes at Acorns are therefore considered to be managed within the proposals.</p>
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28. Positive feedback on the proposals was also received from families:

- The facilities at other units are good – particularly the hydro-therapy pool at Osborne Court
- Alternative units are closer to school and home for some families and better suited to some children's needs – a number of families wish to move to alternatives as soon as possible
- Staff at alternative units have been very welcoming when families visited and some families feel reassured that alternative units could meet their child's needs
- The information provided as well as the opportunity to speak to someone face-to-face about the consultation and proposals has been well received
- The proposed creation of extra beds per night to offer more respite is good – it makes sense to have different options and choices as having choice is really important to some families.

29. During the consultation social care professionals and families have worked together to further understand the best alternative option for the provision of overnight short breaks for each family currently accessing the unit at Ludlow Road, should the proposals be agreed, by clearly assessing the needs of families to ensure that the alternative provision identified would meet the health and care needs of the child or young person, and provide a meaningful break to carers.

30. The analysis of the sufficiency of alternative provision should Ludlow Road close, based on the identified alternative provision for each family, following assessment and discussion with families is set out in Appendix 3 to this report. This clearly shows that the needs of all families accessing Ludlow Road and impacted by the proposals (18 families) can be met by the alternative provision which would be available.

31. The Trust have responded to the positive comments about the 'home from home' feel at Ludlow Road, and some questions raised about the practical considerations of

the reconfiguration at Osborne Court, by undertaking to work with families on any particular considerations when finalising the décor and furnishing of the Osborne Court provision and the operational detail of operating as one service in two separate units on the Osborne Court site. The Trust has also confirmed that operationally they will continue to work with the Council on the staffing structure and configuration of Osborne Court to optimise the site and to ensure families continue to receive a consistent offer in line with assessed need. This will ensure that a cost effective service is delivered that is able to flex to meet current and future demand.

32. Based on the detailed consideration of the proposals, consultation responses and the assessment of need of affected families, it is the view of the professionals responsible for the provision of a sufficiency of meaningful short breaks, that the proposed delivery model can meet the assessed needs of impacted families and would deliver a service that is stable, sufficient and flexible to changing needs of the population in the future. The negative impact of the change process for some families can be mitigated by careful planning and management of the transition process and is felt to be justified in view of the improvements to the service that will result.

### **Financial Implications**

33. The Council's 2019/20 Base Budget for Children's Replacement Care is £2.331m. This includes additional funding of £0.540m approved by Council in February 2019 to rebase the budget to reflect current replacement care costs and to remove a shortfall in the Children's Budget following the withdrawal of Public Health Ring-Fenced Grant funding for Ludlow Road.

34. The following table sets out the financial impact of the proposed option including:

**Current Costs** - The current budgeted costs of replacement care in 2019/20 broken down by provision type.

**No Change** - The forecast impact of making no change to the current configuration of Trust delivered provision for which the implications would be:

- Current costs reflect the budget for this provision for 2019/20; however the Trust have indicated that without any change to the delivery model there would need to be an increase in costs in future years to cover the costs of delivery across two sites. This equates to an increase in costs of £0.113m, in order to meet the existing cost of service (currently £68k more than income from the Council) and additional NHS pensions and pay award pressure from 2019/20, and
- Refurbishment costs at Ludlow Road are not included and are likely to be higher than £0.3m estimated in 2018 due to OFSTED requirements.

**Proposed Costs** - The proposed cost of the revised delivery model which, if agreed, would result in a net cashable saving against 2019/20 budget of £0.124m based upon:

- A reduction in the cost of Trust unit-based provision of £0.287m compared with current costs and £0.4m compared to 'no change' position

- The proposed contract value supporting the Trust investment of approximately £0.6m
- The estimated increased costs of £0.150m to fund additional provision at the Council-run Providence Road (based on 2018 estimate), and
- Additional Support costs of approximately £0.013m.

	Current costs	No Change	Proposed costs
<b>WHCT unit based provision</b>	£1,043k	£1,156k	£756k
<b>WCC provision</b>	£931k	£931k	£1,081k
<b>Additional support costs and alternative provision (Thorn Lodge)</b>	£140k budget	£140k budget	£153k
<b>Family based</b>	£217k	£217k	£217k
<b>Totals</b>	<b>£2,331k</b>	<b>£2,444k</b>	<b>£2,207k</b>

## Legal Implications

35. The statutory context is set out above. In summary, 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 to assist them to continue to provide care or to do so more effectively. The Council must also comply with its Public Sector Equality Duty (PSED) in making decisions concerning persons with a Protected Characteristic such as disability (the PSED details have been frequently set out in previous reports, and see paragraph below). The Children Act 2004 also sets a general target for the Council to discharge its functions having regard to the need to safeguard and promote the welfare of children.

## HR Implications

36. There are no direct HR implications for the Council arising directly from this report. Worcestershire Health and Care NHS Trust continue to work with their staff regarding any implications in relation to the provision of overnight short breaks.

## Equality and Public Health Impact Assessments

37. A combined Equality and Public Health Impact Assessment of the proposals has been completed and the potential impact of the proposals are addressed within the body of this report in paragraphs 25 – 30. The assessment is at Appendix 4 to this report.

### **Privacy and Data Protection Impact Assessments**

38. No implications identified.

### **Risk Implications**

39. Risks identified include:

- No change – the costs of provision would rise and the benefits to be gained from the changes at Osborne Court would not be realised
- No decision – would cause further uncertainty and concern for families
- Delays – any delay to the refurbishments at Osborne Court would lead to a delay in de-commissioning Ludlow Road. The risk will be mitigated through careful planning of the works and effective plans being developed by the Trust and the Council for the transition of families to the alternative provision.

### **Equality and Diversity Implications**

40. The Council is fully aware of its Public Sector Equality Duty obligations as set out in numerous reports to Cabinet. We have determined that a detailed Equality Impact Assessment in respect of the proposed delivery model is beneficial and this is included as Appendix 4 to this report.

### **Supporting Information (available electronically only)**

**Appendix 1:** Consultation pack

**Appendix 2:** Summary of responses received

**Appendix 3:** Analysis – alternative provision and travel distance

**Appendix 4:** Combined Equality and Public Health Impact Assessment

### **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 papers for the meetings of the Cabinet held in July 2015, 16 May 2016, 14 December 2017, 14 June 2018, 12 July 2018 and 6 June 2019

Children and young people's continuing care [national framework](#).

[Worcestershire Strategy for Children and Young People with Special Educational Needs and Disabilities](#)

[Worcestershire Local Area SEND Action Plan](#)

Worcestershire's [short breaks](#) offer