DECISION-MAKER:		CABINET			
		COUNCIL			
SUBJECT:		DEVELOPMENT OF AN OFFER FOR CHILDREN WITH DISABILITIES			
DATE OF DECIS	SION:	20 MARCH 2018			
		21 MARCH 2018			
REPORT OF:		CABINET MEMBER FOR CHILDREN'S SOCIAL CARE			
		CONTACT DETAILS			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

Short Breaks provide children and young people with disabilities or additional needs an opportunity to spend time away from their parents, engage in fun activities and enjoy time with their friends. They also offer parents and carers a break from their caring responsibilities, time to spend with other family members and to catch up on other daily tasks. One of the council's priority outcomes is for all children and young people to have a good start in life and the council recognises the importance of Short Breaks for children and young people with disabilities or additional needs in improving their outcomes. Therefore the council is committed to maintaining the current level of funding of £1,455,000 per year for the next 5 years to achieve better outcomes, based on needs.

This report recommends a different approach to the eligibility criteria and the Short Breaks offer as the current approach does not provide effective support based on need, has eligibility criteria that are unfair and inequitable and does not meet the legal requirements of delivering social care assessments and access to services based on need.

The proposals are to introduce new eligibility criteria based on 4 levels, applying a needs based approach, introduce a new Short Breaks offer linked to the 4 levels and procure services for a 5 year period so that services can be delivered over the medium term with a degree of security.

Extensive consultation has been conducted over a 12 week period and the responses show that there is considerable support for the council's approach:

- 76% agreed the need to make changes to the Short Breaks service offer and
 69% agreed with the proposed short break service offer
- 72% agreed there is a need to make a change to the eligibility criteria and 74% agreed to the proposed eligibility criteria

• 73% felt there would be a significant (34%) or moderate (39%) impact as a result of the changes.

The aim is for the overall impact to be neutral or positive for the majority of children and young people with disabilities. Of the 6,785 children and young people with disabilities, around 5,000 will receive greater advice and sign posting to disability friendly services at the low levels of need. A further 1,030 children and young people are estimated to receive an enhanced service. However, it is estimated that around 10% (approximately 650 children and young people) could receive a reduced service. Specific actions will be taken to mitigate the situation for them and to address concerns expressed about the proposals. These will include interim arrangements, a phased implementation plan to co-design some services with children, young people and parents and to allow time for those affected to prepare for the loss of personal budgets. The aim of the transition period is to minimise the impact for individual children, young people and their families.

RECOMMENDATIONS:

CABIN	ET	
	(i)	To consider the responses to the consultation exercise on revisions to eligibility criteria and service offer for the short breaks service.
	(ii)	To authorise the procurement of services and activities to support the proposed new Short Break offer.
	(iii)	To approve the use of the grant process and criteria to award funding for services and activities to support the new Short Break offer.
	(iv)	To delegate authority to the Director of Quality & Integration to carry out a procurement process for the provision of services as set out in this report to support the short break offer and, following consultation with the Service Director: Legal & Governance to enter into contracts in accordance with the Contract Procedure Rules.
	(v)	To delegate authority to the Director of Quality & Integration following consultation with the Cabinet Member for Children's Social Care to decide on the final model of commissioned services to support the short breaks offer and all decision making in relation to this recommissioning.
	(vi)	To authorise the Director of Quality and Integration to take all necessary actions to implement the proposals contained in this report.
	(vii)	To note the response from the formal consultation to retain the names of the Jigsaw service and the Buzz Network.
COUN	CIL	
	(i)	To approve a financial envelope of up to £7,275,000 for a maximum period of 5 years (3 + 2 year extension when applied to contracts), maintaining the current level of annual investment in Short Breaks.
REASO	ONS FOR	R REPORT RECOMMENDATIONS

REASONS FOR REPORT RECOMMENDATIONS

1. To improve outcomes for children and young people with disabilities by offering services based on need as the current eligibility criteria and short break offer are unfair, inequitable and not financially sustainable.

	T
2.	To use the best available approaches (procurement and grants) to secure sustainable yet flexible services against clear and simple eligibility criteria.
ALTER	NATIVE OPTION S CONSIDERED AND REJECTED
3.	'Do nothing' is not a viable option. To do nothing would maintain an inequitable and unfair system while also placing unacceptable financial pressures on the current budgets.
4.	There are approximately 6,785 children and young people with disabilities in the city. Maintaining the current unfair and inequitable eligibility criteria for the Buzz Network could see the existing demand continue to increase and rise significantly above the existing 1,250 service users already accessing services (including personal budgets). This was considered but rejected as it does not ensure resources are allocated to ensure an appropriate level of support is provided according to the impact of the child or young person's disability on their own and their family's lives and it is financially untenable.
5.	In addition, if the current eligibility criteria were maintained it would not enable Children's Social Care to fulfil its functions under Part 3 of the Children and Families Act 2014, the Care Act 2014 and the Children Act 1989 (S17) by providing children and young people with disabilities with a social care assessment and access to services according to need.
6.	The option to recommission services consistent with the current arrangements (One to one, residential and playschemes) was considered and rejected as a number of concerns and challenges were raised by parents, commissioners and providers. These would not be addressed if this option was pursued. Their concerns and challenges included:
	 One to one services struggling to meet demand and not always being able to provide the same staff member on a consistent basis to support the child or young person,
	The benefits of using a 'framework' approach were not realised as only one provider joined the 'framework' to provide overnight residential placements and
	 Playschemes were limited to specialist playschemes which some parents felt were unsuitable for their children.
DETAIL	(Including consultation carried out)
	Background
7.	Short Breaks provide children and young people with disabilities or additional needs an opportunity to spend time away from their parents and carers, engage in fun activities and enjoy time with their friends. They offer parents and carers a break from their caring responsibilities, time to spend with other family members and to catch up on other daily tasks.
8.	Short Breaks are currently provided at two different levels:
	 for children who have been assessed by social care and determined to have a need for Short Breaks – this level of short breaks is commonly referred to as "assessed Short Breaks" or "Jigsaw (Children with Disabilities Team) Short Breaks" for children who have not been assessed but have access to a "universal" offer of Short Breaks for disabled children - this level of
	Short Breaks is commonly referred to as "Non-assessed Short

	Breaks" or "The Buzz Network Short Breaks"
9.	 Breaks" or "The Buzz Network Short Breaks". A review of the current Short Break offer resulted in a proposal to make changes to the Short Break offer and the eligibility criteria to address the following issues: The current approach is providing a high level of support to some families, but restricted or no support for many other children, young people and their families with similar levels of need. The number of families choosing a personal budget has increased significantly in the last couple of years which means that more and more of the Short Breaks budget is being used with no additional funding for any new members to the network. Those families who receive an assessed specialist short break
	 package through the Jigsaw team also have access to Buzz Network short breaks, thereby accessing services through two routes. The current eligibility criteria would not support changes in the areas identified. The eligibility criteria for access to Children's Social Care services for children and young people with disabilities in Southampton is unclear. Some children and young people with disabilities who are supported by Early Help or Safeguarding teams do not have the same access to assessed Short Break services as those with moderate to severe
	 learning disabilities who meet the criteria for the Jigsaw team. Recognition that the names of the Jigsaw service and the Buzz Network may make it confusing for parents.
	Consultation and engagement
10	A formal 12 week consultation was carried out between 21st November 2017 and 12th February 2018. The consultation included two 'You Said, We Heard' sessions, enabling early feedback and discussion around the responses from the first 8 weeks of the consultation. The consultation covered four areas: • New eligibility criteria
	 A new Short Break service offer The name of the Jigsaw (integrated health and social care team for children with disabilities) service The name of the service for non-assessed short breaks (The Buzz Network).
11	People were able to engage with the consultation using online forms, hard copies which were available at a number of outlets and 8 events held across a range of venues including provider venues, two schools and centrally at the civic centre. Times were varied and included 2 evening events.
12	The Parent/Carer Forum, as the council's formal mechanism for engaging with parents and carers, was used as one of the main routes of promoting the consultation. Information about the consultation was also sent to all SENCOs (Special Educational Needs Coordinating Officers), to all 75 schools in Southampton, to the voluntary sector through local SEND charities e.g. Mencap and Rose Road, and to all special schools who have featured in newsletters or printed and shared with families. Details of the consultation were also sent to all current members of the Buzz Network (which included all JIGSAW families). Social media has also been used to promote the

	consultation and events including a Facebook Live with the Parent/Carer Forum coordinator and the SEND Service manager.
	Summary of proposal and criteria
13	The proposals put forward new eligibility criteria with four levels: low, medium, substantial and critical.
14	Low level Children who have low levels of additional needs will not be in receipt of DLA (Disability Living Allowance). They will be able to access universal services and adaptations. The suite of mainstream clubs and activities in and around Southampton is available on the Southampton Information Directory - http://sid.southampton.gov.uk/kb5/southampton/directory/home.page Information about services will be developed and improved following a Local offer event on 10 March 2018.
15	Medium level Families in receipt of Disability Living Allowance for a disabled child or young person or young people in receipt of a Personal Independence Payment and not receiving an individual package of support via services at the substantial and critical level will have access to a 'Short Breaks PLUS' card which offers easy access to a range of concessions or discounts negotiated across the city. This recognises that these children can access most services available to all children. Additionally, the Short Breaks PLUS card will offer booking rights into subsidised activities, in and around Southampton. The Short Breaks programme will fund these activities through either a grant making process or flexible Dynamic Purchasing System (DPS) contract arrangement. Both approaches will invite applications from providers for additional staffing, specially adapted equipment or other ideas that will enable increased access for children with disabilities. The process will take account of, and prioritise the feedback from children, both in terms of range of activities and times (e.g. weekends, Friday evenings).
16	Substantial and Critical levels Families whose needs are assessed to be substantial or critical will be supported through the relevant Social Care or Jigsaw team. These teams will carry out an assessment of need for the child and their family. If eligible the family will receive an individual package of support through a Personal Budget. The package of support will take into account any requirements for a Short Break as well.
	Consultation feedback
17	There were 99 responses to the consultation, either online or in hard copy. A report covering all the response is attached as Appendix 1.
	 76% of respondents agreed there is a need to make changes to the Short Breaks service offer. 72% agreed there is a need to make a change to the eligibility criteria 74% agreed to the proposed eligibility criteria and 69% agreed with the proposed Short Break service offer 73% felt there would be a significant (34%) or moderate (39%) impact as a result of the changes. 16% felt there would not be much of an impact and 2% felt there would be no impact at all.

4.5				
18	In regards to changing the names, 65% did not want to change the name of the Jigsaw service and 68% did not want to change the Buzz Network name.			
19	A total of eight consultation sessions were also held, seven for parent/carers and one for Short Break providers. They were held on different days of the week and times of the day at five venues across the city. The sessions consisted of a presentation giving the background, information about the engagement work with the Parent/Carer Forum and details of the			
	proposals. Case studies were provided to help attendees understand more clearly what the potential impact of the proposals might be on different families. The sessions were then opened up for comments and questions from attendees. A list of Frequently Asked Questions was also made available.			
	A total of 52 parents/carers attended the sessions as well as 10 representatives from short break providers or schools. A Facebook Live session was held on 9 th February 2018 and has been viewed nearly 700 times.			
20	The main areas of feedback from the sessions was:			
	- Negative views on the use of the term 'critical' within the 4 eligibility			
	levels. 'Complex' was suggested as an alternative. - Suggestions relating to closer working with other local authorities to			
	have the same/similar Short Break offer			
	- Concerns about the personal budget no longer being available at the			
	medium eligibility level and the impact this would have on families			
	- Questions around how the proposals (if agreed) would be			
	implemented and whether new assessments or re-assessments would be required			
	- Suggestion that schools could be used to provide more Short Breaks at the weekend and during school holidays			
	 Lack of Short break provision for children aged under 5 years Concerns about whether mainstream community activities would be sufficiently skilled to support children with disabilities or additional needs, particularly those with autism. 			
	- Questions around how the quality of community activities will be monitored.			
21	Three written responses were received separately from the online survey or consultation sessions. Two were from short break providers - Royal National Institute of Blind People (RNIB) & Southampton Mencap - and one was a transcript of a Facebook conversation and poll of families on the proposals.			
22	RNIB			
	The response from RNIB focussed on the proposed eligibility criteria. They expressed strong disagreement with the proposal and were concerned that the eligibility banding (low, medium, substantial & critical) would introduce unfair barriers to accessing short breaks and make a decision about the person before an assessment is put in place. To mitigate against this, families will be made aware of their right to request an assessment or reassessment of their needs at any time. RNIB did not comment on the proposed service offer or whether the service names should be changed.			
23	Southampton Mencap			

The response from Southampton Mencap was broadly supportive of the proposals. However, they expressed concerns about some aspects of the new eligibility and service offer, in particular:

- The effect on families of the removal of personal budget option for those at the medium level
- The significant work involved in implementing the proposals
- The challenges of supporting mainstream activities to apply for funding and to adapt their services
- The importance of specialist playschemes continuing to be available

24 Facebook Poll

A set of statements was posted during the consultation by a parent interested in finding out people's views. 136 people took part in the poll with the following results:

- The Buzz Budget of £200 really helps our SEN child and we want to keep this in the future – 103 votes
- The budget helps us taking our son on trips and fun activities that really help his condition 20 votes
- The respite 1:1 service really helps our SEN child and we want to keep this in the future – 10 votes
- I currently receive the personal budget but would choose the 1:1 service if the waiting list was shorter – 3 votes
- I don't need the personal budget or 1:1 service and would not miss it if it was scrapped – 0 votes

The main areas of feedback were:

- Concerns about the long waiting list for 1:1 support through Buzz Network
- Concerns that removal of the personal budget option would reduce the choice available for families
- Positive feedback about the 1:1 service

25 Facebook Live

A Facebook Live session allowed parents to put forward questions and add comments. The session has been viewed 677 times. Questions asked for clarity around the eligibility criteria, in particular the substantial level. Other questions related to the implementation of the service, the changes to the services currently available and how Children and Families Services would develop the skills and capacity to support the changes. The importance of transition from children to adults was highlighted several times in the comments. There was also mixed views about personal budgets, with support for them and concerns raised. The session also touched on an appeals process, with an explanation about a new triage service being considered to ensure requests for assessments are considered.

In response to the feedback and subject to approval of the proposals, the following changes will be made:

- Amend the criteria wording from 'critical' to 'complex'.
- Ensure assessments consider the impact on the family as well as the needs of the child.
- Ensure families are aware of their right and how to request an

assessment or reassessment of their needs at any time.

- Work with families, through the Parent Carer Forum, to
 - o identify and develop services that support children with autism
 - review services for young people as they reach the point of transition
 - provide clear information about personal budgets
- Proactively work with agencies, families and providers to develop the range of enhanced mainstream services.
- Continued provision of a reduced personal budget for an interim 12 month period for families at the Medium level of need whilst the new Short Break offer is developed.
- Work with families, through the parent carer forum, to develop a Short Break card, including a Short Break plus card for those at the medium level.
- Secure services using a range of commissioning and grant funded approaches.

Implementation

As a result of the formal consultation, an outline Implementation Plan has been prepared, subject to Cabinet approval and attached as Appendix 2. This also shows when the changes take place and an estimate of the number of children and families impacted by the changes (see also paragraph 29). A summary is set out below.

28 Eligibility Criteria

If approved the new eligibility criteria will be implemented from 1st April 2018. Implementation will be adapted to support and reflect the level of change required.

- From 1st April all families will be required to provide evidence they are in receipt of Disability Living Allowance (DLA) or Personal Independence Payment (PIP).
- At the complex level there should be no change for those currently supported by Jigsaw as the criteria for the complex group are comparable to the current Jigsaw criteria. Children and families who are considered to meet the new wider Complex eligibility criteria will be referred to Jigsaw for assessment.
- Training and support will be provided to staff across all Children's Services teams, enabling them to identify and support those children and families who meet the *substantial* eligibility criteria. Training will be completed between April and September 2018, with access to all those meeting the substantial criteria fully available by 30th September 2018.
- As an <u>interim arrangement</u>, a new revised lower personal budget offer will be made available from 1st April 2018 for those who are in receipt of DLA and therefore meet the *medium* level eligibility criteria. During 2018/2019 work will be undertaken to secure enhanced mainstream services and develop a Short Break /Short Break Plus card. Personal budgets will not continue beyond 31 March 2019 for those at the Medium level.
- The support for those at the *low* level links to other work developing an improved local offer to ensure children and families meeting the

low level eligibility criteria are provided with information about local accessible services.

The table below shows the estimated number of children and young people in each of the eligibility levels who will be affected either positively or negatively by the proposals. These numbers are estimates because the actual numbers will not be known until evidence has been obtained from each family of their eligibility and necessary assessments completed at the

substantial and complex levels.

Eligibility Level	Total estimated will be at this level	Number receiving an enhanced service	Number receiving a reduced service	Number seeing no change
Low	5,000	5,000	0	0
Medium	1,350	850	500	0
Substantial	150	150	0	0
Complex	285	30	150	105
Total	6,785	1,030 (plus 5,000 receiving greater advice and signposting to disability friendly activities at the low level of need)	650	105

The aim is for the overall impact to be neutral or positive for the majority of children and young people with disabilities. Of the 6,785 children and young people with disabilities, around 5,000 will receive greater advice and sign posting to disability friendly services at the low levels of need. A further 1,030 children and young people are estimated to receive an enhanced service. However, around 10% of service users (approximately 650 children and young people) could receive a reduced service. Specific actions will be taken to mitigate the situation for them and to address concerns expressed about the proposals. These will include interim arrangements, a phased implementation plan to co-design some services with children, young people and parents and to allow time for those affected to prepare for the loss of personal budgets. The aim of the transition period is to minimise the impact for individual children, young people and their families.

The estimated impact for each of the levels is detailed below:

<u>Low:</u>

 Up to 5,000 children and young people with SEND and additional needs are estimated to be eligible at the low eligibility level. The benefit to them will be in the form of greater advice and signposting to mainstream provision rather than a change in the actual City Council funded support that they can access.

Medium:

- Around 850 children who cannot currently access services through the Buzz Network due to lack of capacity will gain by having access to a greater range and number of community activities.
- Around 500 children will receive a reduced service as they will no longer have access to a personal budget or 1:1 support. However they will also be able to access the new community activities as an alternative.

Substantial:

 It is estimated that 150 children currently at the medium level will be eligible for an assessment of their needs at the substantial level and therefore a higher level of service.

Complex:

- It is estimated that an additional 30 children with complex needs who currently are not eligible for the Jigsaw Service because they do not have a severe learning disability will become eligible under the new criteria.
- Around 150 children who currently also access Buzz Network services as well as Jigsaw Services will no longer be eligible for services at the medium need level and so will potentially receive a reduced service. However they can request a re-assessment of their needs at the complex level which could result in the provision they were accessing being made available through their individual support package. This is dependent on the outcome of each individual social care assessment.

32 Commissioned and grant funded services

Four approaches have been identified to support the new Short Break offer:

- A contract to secure overnight residential services.
- Provision of outreach and homecare support through the Homecare framework which is being developed and planned to commence in April 2019.
- A dynamic purchasing system (DPS) to flexibly contract a range of services
- A grant process to support and encourage small local providers to engage with the Short Break offer as well as encouraging new innovative approaches to be explored.
- Tendering for new services and the development of a new grant process will be carried out during 2018/2019. New contracted services will commence no later than 1st April 2019. Grant funded services may commence sooner but will have an impact on the available budget for other service areas, including personal budgets.

RESOURCE IMPLICATIONS

Capital/Revenue

In 2017/18, the total short breaks budget is £1,455,000, split between £975,000 for specialist services and £480,000 for non-assessed services (the Buzz Network). The CCG contributes £178,200 to the specialist services

	budget to support access for children with complex health needs. Over a contractual period of 5 years, the total budget equates to £7,275,000.
35	As a result of the proposals set out above the budget is expected to remain consistent albeit distributed differently across the new eligibility levels.

36		I -	ent Revenue cpenditure	Forecast Reve expenditure		
		Grant	Commissioned services (contracts) & Personal budgets	Grant	Commiss services (o and DP Personal b	contract S) &
	Critical	£480,000		£0	£975,000	
	Substantial		£975,000			
	Medium		·	£4	80,000	
	Low		£0		£0	
				Review	/ 27/2/2018 I	NP (FBP)

37 Spend Profile

2017/18	2018/19	2019/20	2020/21	2021/22	Total
£k	£k	£k	£k	£k	£k
975	975	975	975	975	4,875
480	480	480	480	480	2,400
1,455	1,455	1,455	1,455	1,455	7,275
178.2	178.2	178.2	178.2	178.2	891
	£k 975 480 1,455	£k £k 975 975 480 480 1,455 1,455	£k £k £k 975 975 975 480 480 480 1,455 1,455 1,455	£k £k £k £k 975 975 975 480 480 480 480 1,455 1,455 1,455	£k £k £k £k £k 975 975 975 975 975 480 480 480 480 480 480 480 1,455 1,455 1,455

Property/Other

There are no property implications.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

The proposals are designed to meet social care functions under part 3 of the Children and Families Act 2014, the Care Act 2014 and the Children Act 1989 (S17).

Other Legal Implications:

40	The proposals are wholly consistent with and take into account the SEND Code of Practice.
41	The proposals have been fully assessed in accordance with the Council's statutory duties under the Equality Act 2010, including the Public Sector Equality Duty. A detailed Equality Impact Assessment with mitigation and remediation measures is included with this report and has been reviewed and updated throughout the consultation in order to inform the Council's final decision on this matter.
RISK M	ANAGEMENT IMPLICATIONS
42	Financial : The proposals put forward a fairer and more equitable offer of Short Breaks. In doing so it moves away from a capacity led to a needs led service model, offering Short Breaks based on the needs of the children and their parents. There is a risk the needs based approach could generate a cost pressure. This will be mitigated by new eligibility criteria which will support this change and will help to ensure financial resources are managed and targeted to those most in need. These criteria will also ensure that the needs of children and young people with disabilities are being met through access to a Short Break. Risk = Medium
43	Service Delivery: the proposals are designed to use the most effective method to secure services that offer children with disabilities and their parents a Short Break. This will be achieved through the use of contracts, both fixed term and dynamic as well as grants. The use of different approaches should enable the proposals to be delivered. There is a risk the range of services are not secured. Early engagement with providers has shown this to be minimal, and proactive engagement with providers and parents will help to mitigate this risk. Risk = Low
44	Reputation : the proposals will have a negative impact on some families, reducing or removing the number of short breaks they can access, whether directly or via a personal budget. Significant levels of engagement and communication have been undertaken to explain the reason for the changes, and to gather ideas and proposals on the way the service should be offered in a fairer and more equitable way, thereby reducing the impact and risk of reputational damage. This work will need to continue to ensure the transition to the new Short Break offer is managed carefully and ensuring any impact on families is carried out with the families and in a phased way. Risk = Medium
POLICY	FRAMEWORK IMPLICATIONS
45	The recommendations in this paper support the delivery of outcomes in the Council Strategy. They also contribute to the City Strategy and the Health and Wellbeing strategy. The proposals particularly support Council Priority Outcomes: All children and young people have a good start in life People in Southampton live safe, healthy and independent lives

KEY DECISION?	Yes	
WARDS/COMMUNITIES AFFECTED:		All wards

Apper	dices		
1.	Consultation on an offer for children with disabilities and additional needs.		
2.	Short Break Offer – proposed implementation timeline.		
3.	Case Study Impact Examples		
Documents In Members' Rooms			
1.	Equality and Safety Impact Assessment		
2.	Data Protection Impact Assessment		
Equality Impact Assessment			
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.			Yes
Data Protection Impact Assessment			
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.			Yes
Equality Impact Assessment and Privacy Impact Assessment available from S.Jerrim@nhs.net			
Other Background Documents			
Other Background documents available for inspection at:			
		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	

1. 2. SUPPORTING DOCUMENTATION