

Public Document Pack

Overview and Scrutiny Management Committee

Thursday, 12th April, 2018
at 5.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry (Chair)
Councillor Moulton (Vice-Chair)
Councillor Fuller
Councillor Furnell
Councillor Hannides
Councillor Whitbread
Councillor Murphy
Councillor Coombs
Councillor Morrell

Vacancy – Putting People First

Appointed Members

Rob Sanders, Church of England
Catherine Hobbs, Roman Catholic Church
Vacancies

- Primary Parent Governor Representative;
and
- Secondary Parent Governor Representative

Contacts

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Scrutiny Manager
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PUBLIC INFORMATION

Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

Role of Overview and Scrutiny

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking Policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Fire Procedure:-

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2017/18

2017	2018
15 June	11 January
13 July	15 February
10 August	15 March
14 September	12 April
12 October	
9 November	
14 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

5 STATEMENT FROM THE CHAIR

6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meeting held on 15th March, 2018 and the final minute of the Scrutiny Inquiry – Reducing Drug Related Litter in Southampton meeting held on 8th March, 2018 and to deal with any matters arising.

7 CALL-IN OF EXECUTIVE DECISION CAB 17/18 20348 - DEVELOPMENT OF AN OFFER FOR CHILDREN WITH DISABILITIES (Pages 9 - 80)

Report of the Service Lead - Legal and Governance detailing the Call-in of Executive Decision CAB 17/18 20348 - Development of an offer for children with disabilities.

8 PLANNING ENFORCEMENT - UPDATE (Pages 81 - 100)

Report of the Service Director - Legal and Governance, requesting an update on Planning Enforcement since the Committee considered the issue in December 2017.

9 **MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE** (Pages 101 - 104)

Report of the Service Director, Legal and Governance enabling the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

Wednesday, 4 April 2018

Service Director, Legal and Governance

Agenda Item 6

Minutes of Overview and Scrutiny Management Committee and Scrutiny Panel
Reducing Drug Related Litter in Southampton:

- 15 March 2018;
- 8 March 2018

SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
MINUTES OF THE MEETING HELD ON 15 MARCH 2018

Present: Councillors Fitzhenry (Chair), Moulton (Vice-Chair), Furnell, Murphy, Coombs and Morrell

Apologies: Councillors Hannides, Fuller and Whitbread and Appointed Members Catherine Hobbs and Rob Sanders

Also in attendance: Councillor Hammond, Cabinet Member for Sustainable Living
Councillor Letts, Leader of the Council

46. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Committee noted the apologies of Councillors Fuller, Hannides and Whitbread and Appointed Members Catherine Hobbs and Rob Sanders.

47. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the 15th February, 2018 Overview and Scrutiny Management Committee be approved and signed as a correct record.

48. **LATCO - UPDATE**

The Committee considered the report of the Cabinet Member for Sustainable Living providing an update of the Local Authority Trading Company proposals, as at the end of February 2018.

The Committee discussed with the Cabinet Member the timetable and key programme activities including the Essex County Council Business Academy model being used by senior management in Transactions and Universal Services to develop their skills operating in a commercial environment and the appointment of the Commercial Director.

49. **KENTISH ROAD - UPDATE**

The Committee considered the report of the Leader of the Council providing an update on the short and long term plans for the former respite centre at Kentish Road. Following discussion with the Leader the Committee made the following recommendations:

RESOLVED:

- (i) That officers provide the Chair of OSMC with the details of who to contact at the CQC in order that a letter of support for the Kentish Road submission could be sent;
- (ii) That the Leader lobbied the CQC to shorten the registration process to speed up the opening timeline;
- (iii) That, when determining the principle and process for disposal of the site to a local community or voluntary organisation, the Council stipulate that the provision on site includes respite care for people living with a learning disability;
- (iv) That the Council formally states that service users who previously used the respite centre at Kentish Road, and who wish to return to the centre, are able to access the new respite service when it opens;
- (v) That, when the Council re-opens the centre at Kentish Road, the respite service was accessible for 24 hours a day 7 days a week, rather than the proposed weekend only opening;
- (vi) That, when the Council transfers the site to a local charity or voluntary organisation a peppercorn rent was charged by the Council.

50. **SCRUTINY INQUIRY PANEL - REDUCING DRUG RELATED LITTER IN SOUTHAMPTON FINAL REPORT**

The Committee considered and noted the report of the Chair of the Scrutiny Inquiry Panel 'Reducing Drug Related Litter in Southampton'.

The following recommendations of the Scrutiny Inquiry Panel were approved for inclusion in the final report:

- (i) **Displacement of drug litter** – To undertake analysis of drug litter finds since the night time closure of Grosvenor Square Car Park to better understand the link between car park closure and the location of drug litter finds in the city. This information should then be used to help inform future decisions relating to the night time closure of additional city centre multi-storey car parks;
- (ii) **Make it clearer how to report drug related litter** - To encourage public reporting, review the location and content of information on the Council's website that explains how to report drug litter and what to do if you find drug litter. This information should be made available to community groups who organise and undertake litter picks;
- (iii) **Extend opening hours of the Southampton Needle Exchange** – To make it easier to dispose of injecting equipment, when recommissioning needle exchange services extend the opening hours of the Southampton Needle Exchange, to include weekend opening, and provide needle exchange services from the Cranbury Avenue Day Centre;
- (iv) **Signpost out of hours services** – To raise awareness, include the location and opening hours of the out of hours needle exchange services on the Council's website, on appropriate needle exchange forums, and request that the information was signposted on the outside of the Southampton Needle Exchange;
- (v) **Public sharps bins** – Following informed consideration of potential sites and designs, to pilot the locations for discrete public sharps bins where drug litter was a persistent problem. Information relating to the effectiveness of the

sharps bins should be analysed and the whereabouts of the public sharps bins should be communicated to people who inject drugs through the needle exchange services;

- (vi) **Drug consumption rooms** – To undertake a robust evaluation that would fully assess the potential benefits a medically-supervised pilot drug consumption room could bring to Southampton. The evaluation should include consideration of the potential impact on drug related litter, health and criminal justice outcomes, public finances and whether a facility would add value to current services. The provision of Heroin Assisted Treatment from a drug consumption room should also be factored into the analysis, as well as the safety and security of staff;
- (vii) **Drug consumption rooms** – Working in partnership with local authorities, representative bodies, providers and other organisations that support the position, to lobby the Government for a change in legislation relating to drug consumption rooms, enabling local commissioners of drug treatment services to commission the establishment of such facilities if local need was evidenced.

51. **MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE**

The Committee received and noted the report of the Service Director, Legal and Governance detailing the actions of the Executive and monitoring progress of the recommendations of the Committee.

SCRUTINY INQUIRY PANEL - REDUCING DRUG RELATED LITTER IN
SOUTHAMPTON

MINUTES OF THE MEETING HELD ON 8 MARCH 2018

Present: Councillors McEwing (Chair), Fuller (Vice-Chair), Coombs, Fitzhenry, Noon, Vassiliou and Whitbread

11. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes for the meeting held on 18 January 2018 be approved and signed as a correct record.

12. **REDUCING DRUG RELATED LITTER SCRUTINY INQUIRY - DRAFT FINAL REPORT**

The Panel considered the report of the Service Director, Legal and Governance, which presented a draft of the inquiry's final report.

Councillor Sheilds, Cabinet Member for Health and Community Safety; Dr Jason Horsley, Director of Public Health; Colin McAllister, Integrated Commissioning Unit; Charlotte Matthews, Public Health Consultant; Mitch Sanders, Service Director - Transactions & Universal Services; and Detective Chief Inspector Ben Chivers, Hampshire Constabulary; were in attendance and with the consent of the chair addressed the Panel.

Following discussions with invited representatives the Panel recommended the approval of the report with modified recommendations.

RESOLVED

- (i) That the Service Director, Legal and Governance would consult with the Chair of the Panel and amend the final report, so that the comments made by the Panel members at the meeting would be incorporated into the final report,
- (ii) That the recommendations of the Scrutiny Inquiry Panel are:
 - a. **Displacement of drug litter** – To undertake analysis of drug litter finds since the night time closure of Grosvenor Square Car Park to better understand the link between car park closure and the location of drug litter finds in the city. This information should then be used to help inform future decisions relating to the night time closure of additional city centre multi-storey car parks.
 - b. **Make it clearer how to report drug related litter** - To encourage public reporting, review the location and content of information on the Council's website that explains how to report drug litter and what to do if you find drug litter. This information should be made available to community groups who organise and undertake litter picks.
 - c. **Extend opening hours of the Southampton Needle Exchange** – To make it easier to dispose of injecting equipment, when recommissioning needle exchange services extend the opening hours of the Southampton

- Needle Exchange, to include weekend opening, and provide needle exchange services from the Cranbury Avenue Day Centre.
- d. **Signpost out of hours services** – To raise awareness, include the location and opening hours of the out of hours needle exchange services on the Council's website, on appropriate needle exchange forums, and request that the information was signposted on the outside of the Southampton Needle Exchange.
 - e. **Public sharps bins** – Following informed consideration of potential sites and designs, to pilot the locations for discrete public sharps bins where drug litter was a persistent problem. Information relating to the effectiveness of the sharps bins should be analysed and the whereabouts of the public sharps bins should be communicated to people who inject drugs through the needle exchange services.
 - f. **Drug consumption rooms** – To undertake a robust evaluation that would fully assess the potential benefits a medically-supervised pilot drug consumption room could bring to Southampton. The evaluation should include consideration of the potential impact on drug related litter, health and criminal justice outcomes, public finances and whether a facility would add value to current services. The provision of Heroin Assisted Treatment from a drug consumption room should also be factored into the analysis, as well as the safety and security of staff.
 - g. **Drug consumption rooms** – Working in partnership with local authorities, representative bodies, providers and other organisations that support the position, to lobby the Government for a change in legislation relating to drug consumption rooms, enabling local commissioners of drug treatment services to commission the establishment of such facilities if local need was evidenced.
- (iii) That the Chair of the Inquiry Panel would present the final report to the Overview and Scrutiny Management Committee on 15 March 2018.

Agenda Item 7

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	CALL-IN OF EXECUTIVE DECISION CAB 17/18 20348 – DEVELOPMENT OF AN OFFER FOR CHILDREN WITH DISABILITIES		
DATE OF DECISION:	12 APRIL 2018		
REPORT OF:	SERVICE DIRECTOR - LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>A Call-In notice has been received from the Chair of the Overview and Scrutiny Management Committee (OSMC) in respect of the following decision made by Cabinet on 20 March 2018:</p> <ul style="list-style-type: none"> • Development of an offer for children with disabilities 			
RECOMMENDATIONS:			
Following consideration of the attached Cabinet report, related appendices and Decision Notice, the Committee is recommended either:-			
	(i)	To recommend that the Decision Maker re-consider the called-in decision at the next decision meeting; or	
	(ii)	To advise the Decision Maker that the Scrutiny Committee does not recommend that the decision be reconsidered and that it can therefore be implemented without delay.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	The recommendations reflect the options available to the Overview and Scrutiny Management Committee through the implementation of the agreed Call-In process.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	Not applicable.		
DETAIL (Including consultation carried out)			
3.	<p>A Call-In notice signed by the Chair of the OSMC has been received in accordance with Paragraph 12 of the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution. The Call-In notice relates to the following decision made by the Cabinet on 20 March 2018:</p> <ul style="list-style-type: none"> • Development of an offer for children with disabilities 		

4.	Paragraph 12 of the Overview and Scrutiny Procedure Rules provides a mechanism for members of the OSMC to challenge executive decisions that have been made but not implemented. The documents attached to this report relate to the decision that has been called in under this procedure and include: <ul style="list-style-type: none"> • The Call-In Notice: Detailing who called-in the decision and why • The Decision Notice: Detailing the decision taken and the reasons for the decision • The Decision Report: The report on which the decision was based.
5.	It is for the OSMC to discuss the subject of the Call-In with the decision maker to determine whether it wishes the decision maker to re-consider the previous decision, or to clear the proposals for implementation without further re-consideration.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
6.	The relevant details are set out in Appendix 3.
<u>Property/Other</u>	
7.	The relevant details are set out in Appendix 3.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
8.	The relevant details are set out in Appendix 3.
9.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
10.	The relevant details are set out in Appendix 3.
RISK MANAGEMENT IMPLICATIONS	
11.	The relevant details are set out in Appendix 3.
POLICY FRAMEWORK IMPLICATIONS	
12.	The relevant details are set out in Appendix 3.
KEY DECISION	No
WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Call In Notice
2.	Decision Notice - Development of an offer for children with disabilities
3.	Decision Report – Development of an offer for children with disabilities

4.	Appendix 1 to Decision Report – Development of an offer for children with disabilities	
5.	Appendix 2 to Decision Report – Development of an offer for children with disabilities	
6.	Appendix 3 to Decision Report – Development of an offer for children with disabilities	
7.	Equality and Safety Impact Assessment	
Documents In Members’ Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		Identified in Appendix 3
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?		Identified in Appendix 3
Other Background Documents - Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

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NOTICE OF CALL-IN

In accordance with rule 12 of the Overview & Scrutiny procedure rules of the Council's Constitution, a request is hereby made that the Scrutiny Manager exercise the call-in of the decision identified below for consideration by Overview and Scrutiny Management Committee.

Decision Number: CAB 17/18 20348
Decision Taker: Cabinet
Date of Decision: 20 March 2018

Reason(s) for Requisition of Call-In of Decision:

- To explore in further detail the risks and implications of the proposed new eligibility criteria on children and young people with disabilities in Southampton.

Call-In Requested by:

Name	Signature	Date
Councillor Fitzhenry		26/03/2018

All Members requesting that a Decision be Called-In must sign this Call-In Notice. A decision may be called in by:

- The Chair of Overview and Scrutiny Management Committee
- Any 2 Members of Overview and Scrutiny Management Committee
- In respect of a Decision relating to Education, any 2 Parent Governor or Church Representatives

Please submit to the Scrutiny Manager within 5 clear days of the publication of the relevant decision.

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RECORD OF EXECUTIVE DECISION

Tuesday, 20 March 2018

Decision No: (CAB 17/18 20348)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	CHILDREN'S SOCIAL CARE
SUBJECT:	DEVELOPMENT OF AN OFFER FOR CHILDREN WITH DISABILITIES
AUTHOR:	Sandra Jerrim

THE DECISION

- (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.

REASONS FOR THE DECISION

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.
2. To use the best available approaches (procurement and grants) to secure sustainable yet flexible services against clear and simple eligibility criteria.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. '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.
2. 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.
3. 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.
4. 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.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 20 March 2018

Decision Maker:
The Cabinet

Proper Officer:
Pat Wood

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

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DECISION-MAKER:	CABINET		
	COUNCIL		
SUBJECT:	DEVELOPMENT OF AN OFFER FOR CHILDREN WITH DISABILITIES		
DATE OF DECISION:	20 MARCH 2018 21 MARCH 2018		
REPORT OF:	CABINET MEMBER FOR CHILDREN’S SOCIAL CARE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Sandra Jerrim	Tel: 023 8029 6039
	E-mail:	Sandra.Jerrim@southampton.gov.uk	
Directors	Name:	Stephanie Ramsey and Hilary Brooks	Tel: 023 8029 6941 023 8083 4899
	E-mail:	Stephanie.Ramsey@Southampton.gov.uk Hilary.Brooks@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None
BRIEF SUMMARY
<p>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.</p> <p>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.</p> <p>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.</p> <p>Extensive consultation has been conducted over a 12 week period and the responses show that there is considerable support for the council’s approach:</p> <ul style="list-style-type: none"> • 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:

CABINET

	(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.

COUNCIL

	(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.
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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.
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2.	To use the best available approaches (procurement and grants) to secure sustainable yet flexible services against clear and simple eligibility criteria.
ALTERNATIVE 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.	<p>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:</p> <ul style="list-style-type: none"> • 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.	<p>Short Breaks are currently provided at two different levels:</p> <ul style="list-style-type: none"> • 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.	<p>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:</p> <ul style="list-style-type: none"> • 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	<p>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:</p> <ul style="list-style-type: none"> • 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	<p>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.</p>
12	<p>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</p>

	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	<p><u>Low level</u></p> <p>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.</p>
15	<p><u>Medium level</u></p> <p>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.</p> <p>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).</p>
16	<p><u>Substantial and Critical levels</u></p> <p>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.</p>
	Consultation feedback
17	<p>There were 99 responses to the consultation, either online or in hard copy. A report covering all the response is attached as Appendix 1.</p> <ul style="list-style-type: none"> • 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.

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	<p>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.</p> <p>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.</p> <p>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 9th February 2018 and has been viewed nearly 700 times.</p>
20	<p>The main areas of feedback from the sessions was:</p> <ul style="list-style-type: none"> - 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	<p>RNIB</p> <p>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.</p>
23	Southampton Mencap

	<p>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:</p> <ul style="list-style-type: none"> - 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	<p>Facebook Poll</p> <p>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:</p> <ul style="list-style-type: none"> - 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 <p>The main areas of feedback were:</p> <ul style="list-style-type: none"> - 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	<p>Facebook Live</p> <p>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.</p>
26	<p>In response to the feedback and subject to approval of the proposals, the following changes will be made:</p> <ul style="list-style-type: none"> - 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

	<p>assessment or reassessment of their needs at any time.</p> <ul style="list-style-type: none"> - Work with families, through the Parent Carer Forum, to <ul style="list-style-type: none"> o identify and develop services that support children with autism o review services for young people as they reach the point of transition o 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.
	<p>Implementation</p>
27	<p>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.</p>
28	<p>Eligibility Criteria</p> <p>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.</p> <ul style="list-style-type: none"> - 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.																														
29	<p>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.</p> <table border="1"> <thead> <tr> <th>Eligibility Level</th> <th>Total estimated will be at this level</th> <th>Number receiving an enhanced service</th> <th>Number receiving a reduced service</th> <th>Number seeing no change</th> </tr> </thead> <tbody> <tr> <td>Low</td> <td>5,000</td> <td>5,000</td> <td>0</td> <td>0</td> </tr> <tr> <td>Medium</td> <td>1,350</td> <td>850</td> <td>500</td> <td>0</td> </tr> <tr> <td>Substantial</td> <td>150</td> <td>150</td> <td>0</td> <td>0</td> </tr> <tr> <td>Complex</td> <td>285</td> <td>30</td> <td>150</td> <td>105</td> </tr> <tr> <td>Total</td> <td>6,785</td> <td>1,030 (plus 5,000 receiving greater advice and signposting to disability friendly activities at the low level of need)</td> <td>650</td> <td>105</td> </tr> </tbody> </table>	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
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30	<p>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 signposting 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.</p>																														
31	<p>The estimated impact for each of the levels is detailed below:</p> <p><u>Low:</u></p> <ul style="list-style-type: none"> 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 																														

	<p>that they can access.</p> <p><u>Medium:</u></p> <ul style="list-style-type: none"> • 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. <p><u>Substantial:</u></p> <ul style="list-style-type: none"> • 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. <p><u>Complex:</u></p> <ul style="list-style-type: none"> • 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	<p><i>Commissioned and grant funded services</i></p> <p>Four approaches have been identified to support the new Short Break offer:</p> <ul style="list-style-type: none"> - 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.
33	<p>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.</p>
<p>RESOURCE IMPLICATIONS</p>	
<p><u>Capital/Revenue</u></p>	
34	<p>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</p>

	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		Current Revenue expenditure			Forecast Revenue expenditure		
		Grant	Commissioned services (contracts) & Personal budgets		Grant	Commissioned services (contract and DPS) & Personal budgets	
	Critical	£480,000	£975,000	£0	£975,000		
	Substantial						
	Medium				£480,000		
	Low		£0	£0			
<i>Review 27/2/2018 NP (FBP)</i>							
37	Spend Profile						
		2017/18	2018/19	2019/20	2020/21	2021/22	Total
		£k	£k	£k	£k	£k	£k
	Specialist Services	975	975	975	975	975	4,875
	Non Assessed Services	480	480	480	480	480	2,400
	Total	1,455	1,455	1,455	1,455	1,455	7,275
	CCG Contribution	178.2	178.2	178.2	178.2	178.2	891
<i>Review 27/2/2018 NP (FBP)</i>							
<u>Property/Other</u>							
38	There are no property implications.						
LEGAL IMPLICATIONS							
<u>Statutory power to undertake proposals in the report:</u>							
39	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).						
<u>Other Legal Implications:</u>							

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 MANAGEMENT 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: <ul style="list-style-type: none"> ○ 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

SUPPORTING DOCUMENTATION

Appendices

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
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	Yes
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Equality Impact Assessment and Privacy Impact Assessment available from S.Jerrim@nhs.net

Other Background Documents

Other Background documents available for inspection at:

	Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		

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Consultation on an offer for children with disabilities or additional needs – Consultation feedback

Introduction

1. Southampton City Council undertook public consultation for 12 weeks between 21 November 2017 and 12 February 2018 regarding proposed changes to the short break service offer for children with disabilities or additional needs and proposed changes to the eligibility criteria which allows access to these services.
2. The proposals were discussed at Cabinet on 14 November 2017 and the Cabinet agreed that the proposed changes should be consulted with key stakeholders and the public before final decisions are taken.

Aims

3. The aim of this consultation was to:
 - Ensure the public and key stakeholders understood the proposed changes.
 - Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts that the proposals may have
 - Provide feedback on the results of the consultation to elected Members and key officers to enable them to make informed decisions
 - Ensure that results are analysed in a meaningful, timely fashion, so that feedback is taken into account when final decisions are made.
4. This report summarises the principles and processes of the public consultation. It also provides a summary of the consultation respondents both for the consideration of decision makers and any interested individuals.

Consultation principles

5. The council takes its duty to consult with residents and stakeholders on changes to services very seriously. The council's consultation principles ensure all consultation is:
 - Inclusive: so that everyone in the city has the opportunity to express their views.
 - Informative: so that people have adequate information about the proposals, what different options mean, and a balanced and fair explanation of the potential impact, particularly the equality and safety impact.
 - Understandable: by ensuring that the language used to communicate is simple and clear and that efforts are made to reach all stakeholders, for example people who are non-English speakers or disabled people.
 - Appropriate: by targeting people who are more likely to be affected and using a more tailored approach to get their feedback, complemented by a general approach to all residents, staff, businesses and partners.
 - Meaningful: by ensuring decision makers have the full consultation feedback information so that they can make informed decisions.
 - Reported: by letting consultees know what was done with their feedback.

6. Southampton City Council is committed to consultations of the highest standard, which are meaningful and comply with the following legal standards:
 - Consultation must take place when the proposal is still at a formative stage
 - Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response
 - Adequate time must be given for consideration and response
 - The product of consultation must be carefully taken into account.
7. Public sector organisations in Southampton also have a compact (or agreement) with the voluntary sector in which there is a commitment to undertake public consultations for a minimum of 12 weeks wherever possible. This aims to ensure that there is enough time for individuals and voluntary organisations to hear about, consider and respond to consultations. This consultation was for a total of 12 weeks.

Approach and methodology

8. The consultation on an offer for children with disabilities or additional needs sought views from relevant individuals and stakeholders. The formal written consultation ran from 21 November 2017 to 12 February 2018.
9. Deciding on the best process for gathering feedback from stakeholders when conducting a consultation requires an understanding of the audience and the users of the service. It is also important to have more than one way for stakeholders to feedback on the consultation, to enable engagement with the widest range of the population.
10. The agreed approach for this consultation was to use a combination of online and paper questionnaires. This approach enables an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure that the public are aware of the background and context to each of the proposals. It is therefore the most suitable methodology for consulting on a complex issue.
11. In addition, a total of eight consultation sessions were 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.
12. 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. Feedback from these sessions was captured and included in the analysis of consultation results.

Promotion and communication

13. Throughout the consultation, every effort was made to ensure that as many people as possible were aware of the proposals and had the opportunity to have their say. Particular effort was made to communicate with existing service users, parents and carers as they are the most likely to be directly impacted by the proposals should they be implemented.
14. The consultation was promoted in the following ways:
- a. The Southampton City Council website
 - b. Emails and post to Buzz Network members
 - c. Buzz network newsletter
 - d. Short break providers sharing details with the families they support
 - e. Southampton Parent/Carer Forum:
 - i. Social Media (Facebook & Twitter)
 - ii. Forum meetings
 - iii. Outreach to wider parent/carer support groups
 - f. Leaflets
 - g. Information about the consultation was sent to all Special Educational Needs Coordinating Officers
 - h. Information was sent to all 75 schools in Southampton
 - i. Information was sent to the third sector through local SEND charities
 - j. Facebook Live with the Parent/Carer Forum coordinator and SEND service manager

Consultation questionnaire respondents

15. In total, 99 people responded to the consultation either through the paper or online questionnaire. All the questionnaires that had at least one question completed were included in the analysis to ensure every bit of feedback was considered.
16. Figure 1 shows the age breakdown of consultation respondents compared to the mid-2016 population estimate for Southampton. The age groups between 25 and 54 were over represented in the consultation when compared with the Southampton population and the age groups under the age of 25 and over the age of 54 were underrepresented.

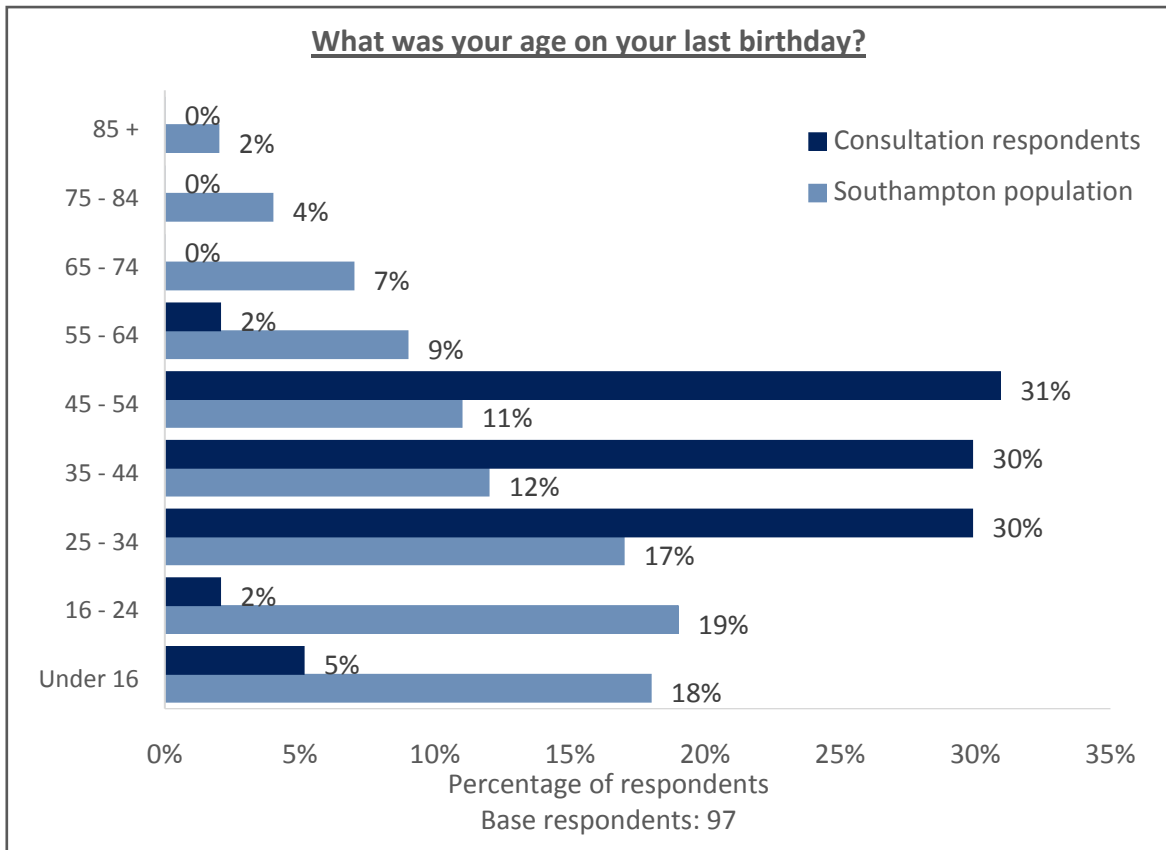


Figure 1

17. The gender breakdown of respondents was 91% female and 9% male (Figure 2). Females were significantly overrepresented when compared to the Southampton population as the mid-2016 population estimate for Southampton reports 49% female and 51% male.

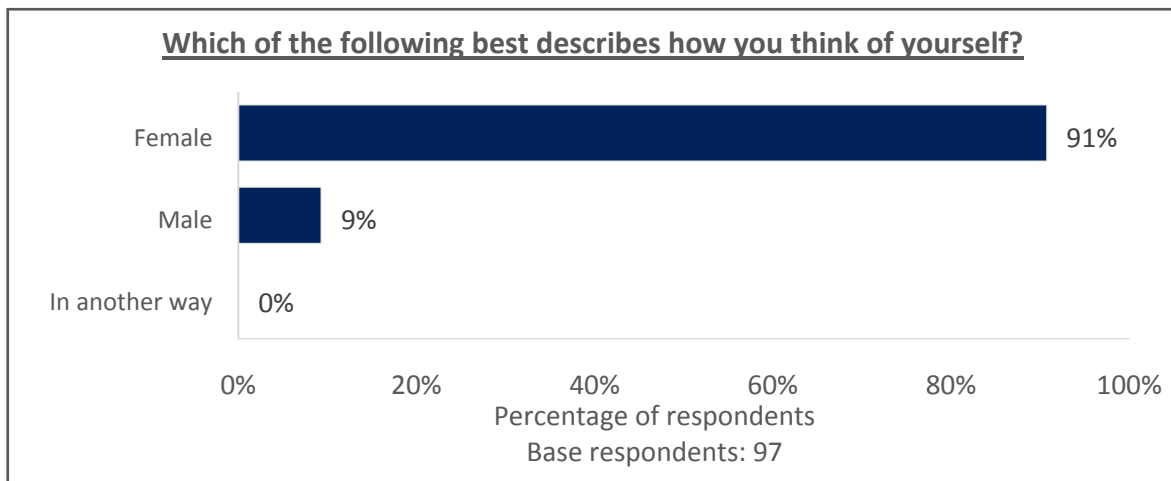


Figure 2

18. Figure 3 shows the ethnicity breakdown of respondents to the consultation. The proportion of people that describe themselves as White is overrepresented as 85% of the population described themselves as White in the 2011 census. All other ethnic groups are underestimated in the consultation when compared to the 2011 census. 8% of the Southampton population in the 2011 census described themselves as Asian or Asian

British, 2% mixed or multiple ethnic groups, 2% Black, African, Caribbean, Black British and 1% any other ethnic group.

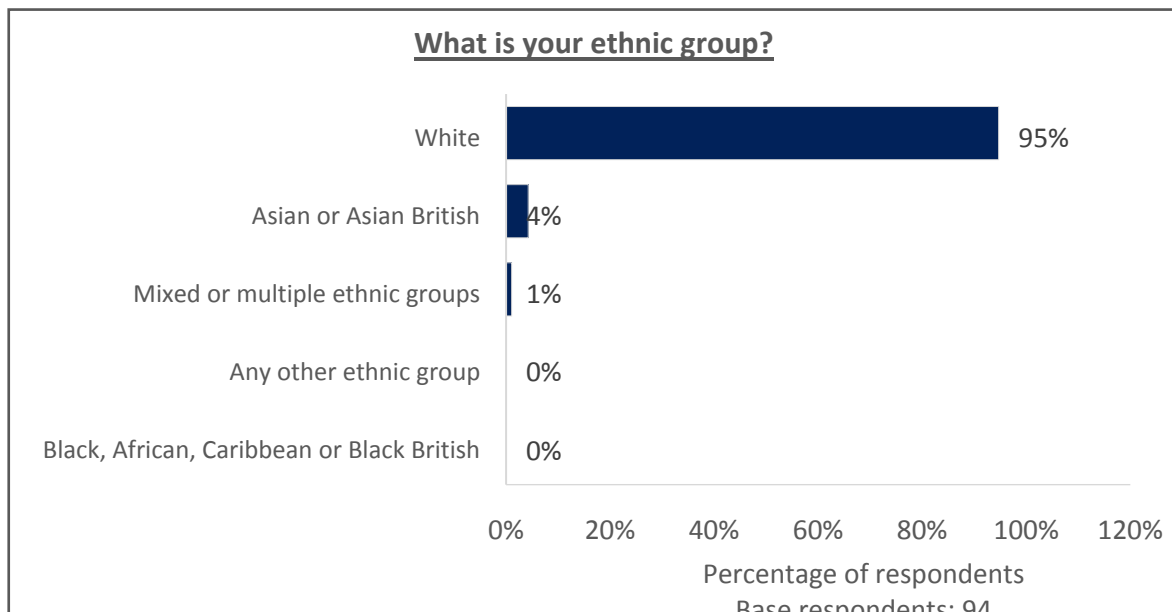


Figure 3

19. Figure 4 highlights the interest of the respondents to the consultation. The largest proportion of respondents to the consultation were parents and carers of children that currently access services. A further 10% of respondents described themselves as professional and 9% were parents and carers of children who do not currently access the services.

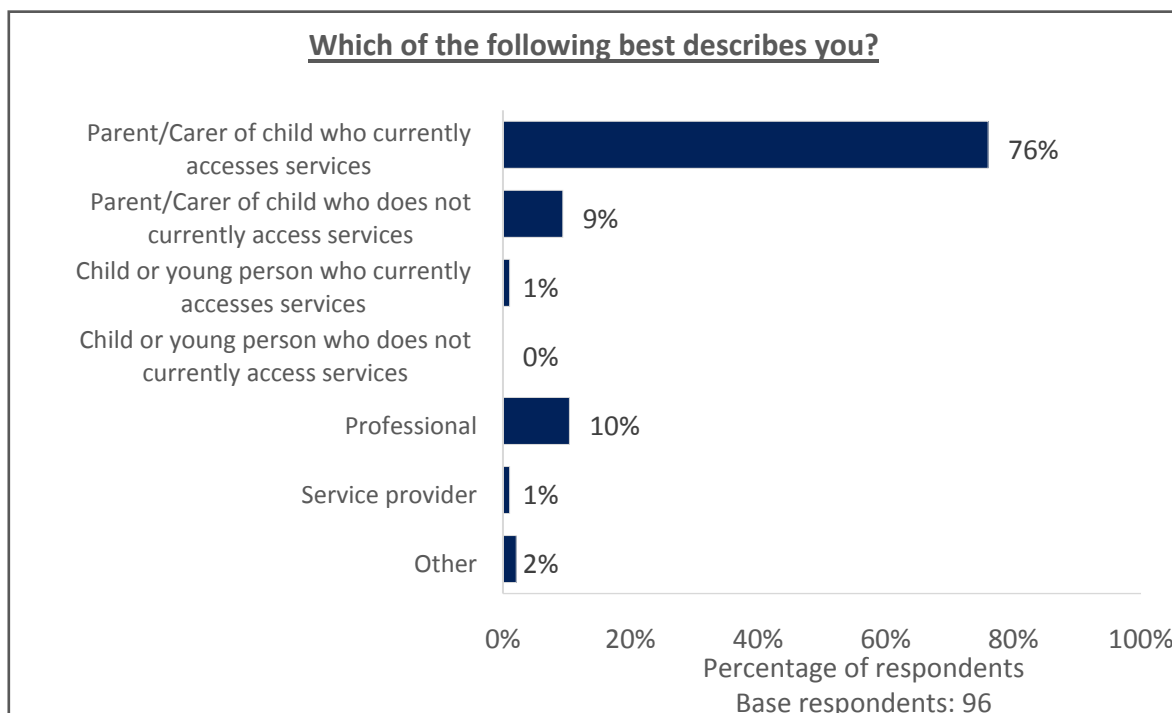


Figure 4

Questionnaire feedback

20. In total, 99 people answered the consultation questionnaire either through the online or paper version.

21. The first question asked respondents to what extent they either agreed or disagreed that changes needed to be made to the Short Breaks service offer (Figure 5). All 99 respondents answered this question and overall 36% strongly agreed with changes to the service and 39% agreed. In total 76% agreed to some extent that the changes needed to be made to the service. In total 8% disagreed with making changes to the service. Of this, 7% disagreed and 1% strongly disagreed.

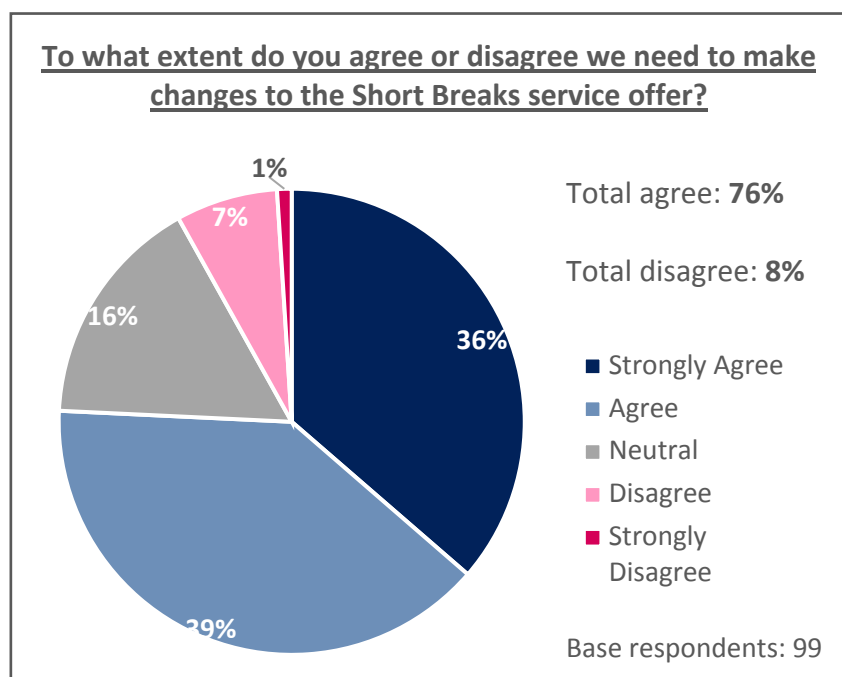


Figure 5

22. The second question asked respondents to what extent they agreed or disagreed that changes needed to be made to the eligibility criteria for the short breaks service (Figure 6). In total, 27% strongly agreed and 44% agreed that changes should be made to the eligibility criteria and 5% disagreed and 3% strongly disagreed.

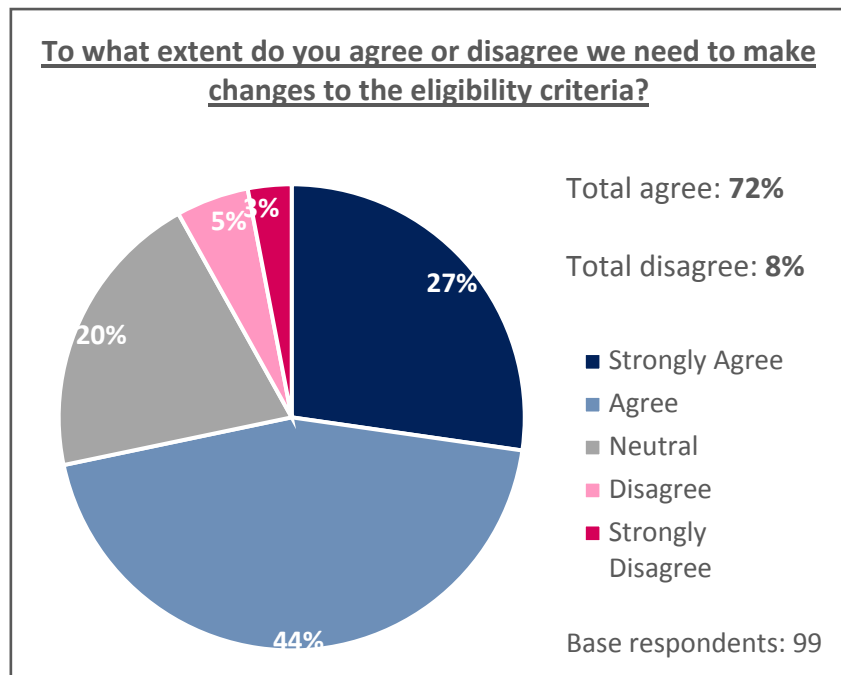


Figure 6

23. Respondents were informed about the proposed eligibility criteria and were then asked to what extent they agreed or disagreed with the proposal (Figure 7). Overall, 24% of respondents strongly agreed with the proposed criteria and 49% agreed. This totalled 74% that expressed agreement generally with the proposal. In total 14% expressed disagreement with the proposed eligibility criteria, of which 4% strongly disagreed and 10% disagreed.

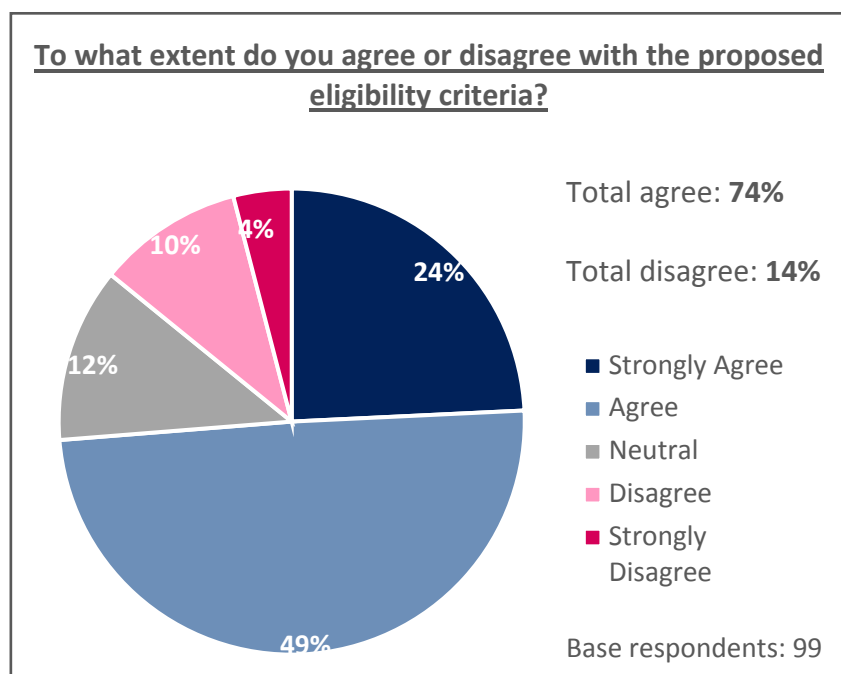


Figure 7

24. Respondents were then asked to write down any comments they had on the proposed eligibility criteria. When analysing the free text comments from the questionnaire, all

comments from all questions were analysed and categorised together. For example, if a respondent commented on the eligibility criteria in a different free text question that comment will have been regrouped with all other comments on the eligibility criteria to ensure that an accurate picture of opinions can be calculated across the entire consultation. In total, 62 respondents provided a comment to at least one question in the questionnaire.

25. Figure 8 shows the themes of comments surrounding the proposed eligibility criteria and the number of people that mentioned this somewhere within the questionnaire.

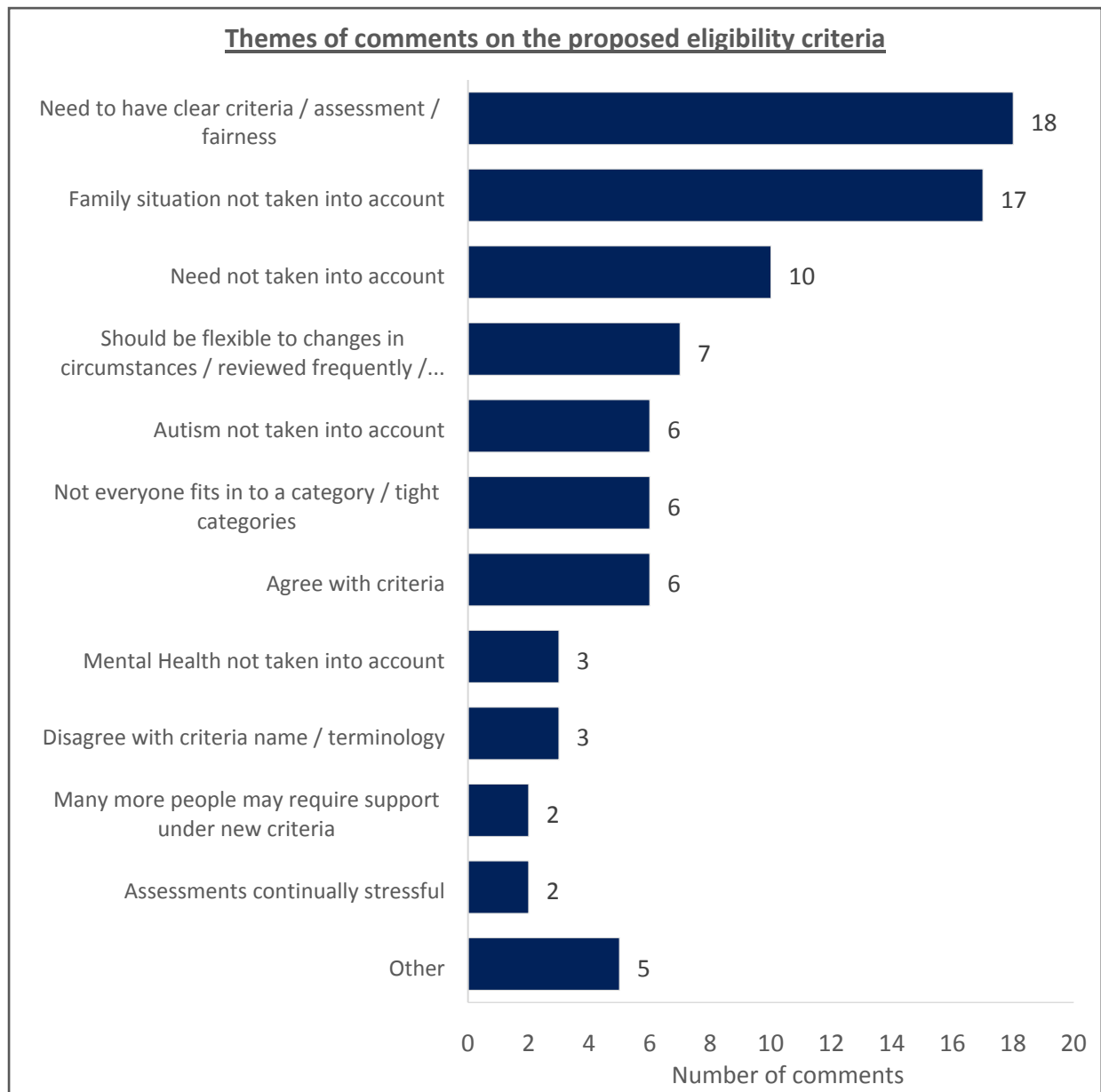


Figure 8

26. In total 18 respondents to the survey wrote a comment about the need to have clear criteria and assessment. Examples of quotes that encompass the sentiment of these comments include:

“assessment frameworks should be clear and concise”

“This would depend on the people who evaluate the the families and whether they start from scratch with every family, it’s hard to judge a case on one visit or one day. So although there is a criteria there it is not exactly plain and simple”

“The criteria for intervention should also be clearer.”

“the eligibility definitions are not very clear and some will be difficult to assess/measure. For instance, at the low level, you state that the children will have low level additional needs? These will have to be qualified. What is low level? Who decides what is low level? ...The proposal is silent on the assessment referral. Will high (substantial/critical) needs still require referral by a professional OR will their be possibility for self-referral?”

“There is not enough information given on what criteria will be used to assess disabled people, how this will be done, or how the appeal process will work where disable people dispute their level of disability.”

27. The second most mentioned theme of comment regarding the proposed eligibility criteria surrounded the request for the family situation to be taken into account during assessment. In total 17 respondents wrote about this and examples of comments include:

“I think the situation of the family should be considered as well at each level, as single parents obviously have more pressure and less assistance, and some families are very supportive and helpful whilst others are not therefore providing some families with more breaks than others and more time to spend with siblings”

“It is the only time I have a full night sleep! Being only carer I have to keep going on zero sleep, working on zero sleep, caring on zero sleep”

“having extended family and a network of friends is no guarantee that they will be able and/or willing to assist with caring for a child with special needs... Due consideration should be given to families who have several children with disabilities who may end up being assessed under different criteria, yet, the overall impact on the family/parents is profound. For instance, disproportionate or disjointed provision of respite leaving one sibling always in the care of the parents means the parents never get their respite”

“Nobody but the parents know the impact a particular disability has, and some parents will find a disability more disruptive of their daily lives than other.”

“I do believe vulnerable families will loose out”

28. The third most reported comment was that respondents felt that needs of the individual were not being taken into account. In total 10 people commented on this. Examples include:

“You can't put moderate learning disabilities and profound disabilities in the same category! Their needs are completely different! If anything profoundly disabled children like my son require substantially more health and social care.”

“How will you assess the level of the child's needs - I assume there will be a criteria for this also, and a request for additional information?”

"I am concerned that the access to substantial and critical levels will be too tight and may be budget driven rather than needs driven."

"My concern is to get the dla isn't possible for all children that have additional needs"

"I think families with children on the autistic spectrum that have invisible needs in a lot of cases will lose their personal budget and I do not believe this is fair. These families are the families that are most in need as are not recognised as needing support or do not easily qualify for other types of support."

29. The fourth most frequently recorded theme of comment surrounding the proposed eligibility criteria highlighted that circumstances can change and eligibility should be flexible to this and reviewed frequently. For example, comments that reflect this include:

"This seems faire as long as it is understood that children and circumstances change through no fault of their own and if necessary their band may change and they may then need more support."

"People personal situation change all the time and rely on the support that has been always there"

"I am only concerned when we joined the buzz network on this new criteria when we joined would be low. Things for our child has progressed quickly since we joined. We would now be in the medium. Will you be sending out anything so we can be reassessed."

30. Six respondents felt that individuals with autism had not been taken into account within the proposed criteria. Some of the comments that highlighted this include:

"I think the autism families will loose out"

"You still use the criteria as learning disability but not include autism. There are children and young people in Southampton with autism that need support at the substantial and critical level and you are still failing them."

"Although a parent of a child with a disability, I also work with children with additional needs, and have at times been shocked to be told that children with very severe autism, LD and associated behaviour difficulties were told they did not qualify for Jigsaw, when they most clearly should have-"

31. Six respondents expressed a concern that not everyone would fit in to a proposed category. Comments that encompassed the sentiment of this opinions include:

"Big jump between med and sub"

"The potential problem with this eligibility criteria is that everyone has to agree for each individual child. Eg: the parents may feel the need is critical but social services may say substantial. So how would that issue be resolved fairly if the situation arose?"

"Again it seems fairer but sometimes families and children do not fill neatly into these categories and so you may find some families slipping through the net."

32. There were six respondents that wrote a comment in support of their agreement with the criteria. For example:

“It immediately seems fairer, and the words used to describe the differing levels reflect why the amount of support needs to be differentiated.”

“I think it's a good proposed criteria and is inclusive to all disabilities as some are at lower levels whilst others obviously are more severe and will be a good system to identify an individual's level of need and signpost to the relevant services more appropriately as clearly the current system is failing families and young people in Southampton.”

“I think it is a good way to assess the needs of service users and provide the relevant help.”

33. Three respondents commented on how they felt that mental health had not been taken in to account in the proposed eligibility criteria. Examples of these comments include:

“Children/young people with mental health difficulties will not meet your criteria which means that they will not receive any support at all.”

“I do agree with the criteria that are there but am disappointed to see no acknowledgement of mental health issues which can and seriously impact a child's ability to access education, health and social opportunities.”

34. Three respondents expressed a disagreement with the naming of the criteria or the terminology used. Comments that encompassed this disagreement include:

“I don't believe that in the 'substantial' level the word disability should be used in regard to learning i.e i feel it should read; have significant difficulties”

“Secondly, their names need to be clearly related. When you talk of low and medium, it is natural to expect a high level. However, you jump to substantial and critical. I suggest, low, medium and high....Others might disagree, but please consider using the phrase 'children and young people with disabilities' rather than 'disabled children and young people”

“I think that, for clarity, the 'critical' criteria should read 'and/or' not just 'or' as many will have both learning disabilities and physical disabilities. Will the 'substantial' criteria also allow supported access to enhanced/adapted mainstream provision? This feels important for a number of reasons, inclusion and visibility being one but also the fact that much mainstream provision would be available if there were some minor adaptations and a staff member one to one with the service user. Not sure if it is clear from this description?”

35. Two respondents felt that under the proposed eligibility criteria there would be many new individuals that would be eligible for support. The comments included:

“You say that there is no cut to funding but if there are more families using the same amount of funding then this is a cut! You should be making more money available equal to the increase in numbers of families needing support.”

“I think the proposal is positive on the whole. I am concerned however that Jigsaw will become inundated with an increased need due to those at substantial & critical level. Jigsaw already struggles.”

36. Two respondents emphasised how stressful assessments can be and highlighted the following issues:

"I think we should learn lessons from the Work Capability Assessment disaster also- vast amounts of money have been spent assessing and regularly reassessing vulnerable people- this has been widely reported to adversely affect these people's mental health and ability to cope. Undergoing reassessment has been very stressful for me and my family and has adversely affected us, I hope we won't have to go through this again for a long time, as you need stability as a foundation to cope, and if respite entitlement that you desperately need to keep going is regularly under threat, this is bound to have a negative impact. Also, the assessment process is going to cost a fortune as we now have lots of social workers doing it- if frequently reassessed it will waste money that would be better used to help the children and families."

"Lots of money will be wasted making assessments, which will be instructive, and an invasion of privacy to what is already a stressful life with a child with a disability"

37. There were a further five respondents with comments surrounding the proposed eligibility criteria. These included:

"The DLA assessed the child at a medium care rate when so clearly he should have been awarded high rate, so this is one problem with being overly reliant on DLA awards as sometimes it seems they will underaward to see if they can get away with it, and if the parent does not feel up to challenging the decision their child may be doubly let down by the system."

"Re visit your eligibility criteria"

"I think 4 criteria are one too many and will confuse parents. 3 should suffice."

"The potential problem with this eligibility criteria is that everyone has to agree for each individual child. Eg: the parents may feel the need is critical but social services may say substantial. So how would that issue be resolved fairly if the situation arose?"

"My concern is to get the dla isn't possible for all children that have additional needs"

38. After a description of the proposed short break service offer in the questionnaire, respondents were then asked to what extent they agreed or disagreed with the proposed service offer. Figure 9 shows the results of this. Overall, 16% strongly agreed with the proposed service offer and 53% agreed which totalled 69% that expressed overall agreement with the proposal. Overall, 12% of respondents disagreed with the proposed short break service offer. Of this 3% strongly disagreed and 9% disagreed.

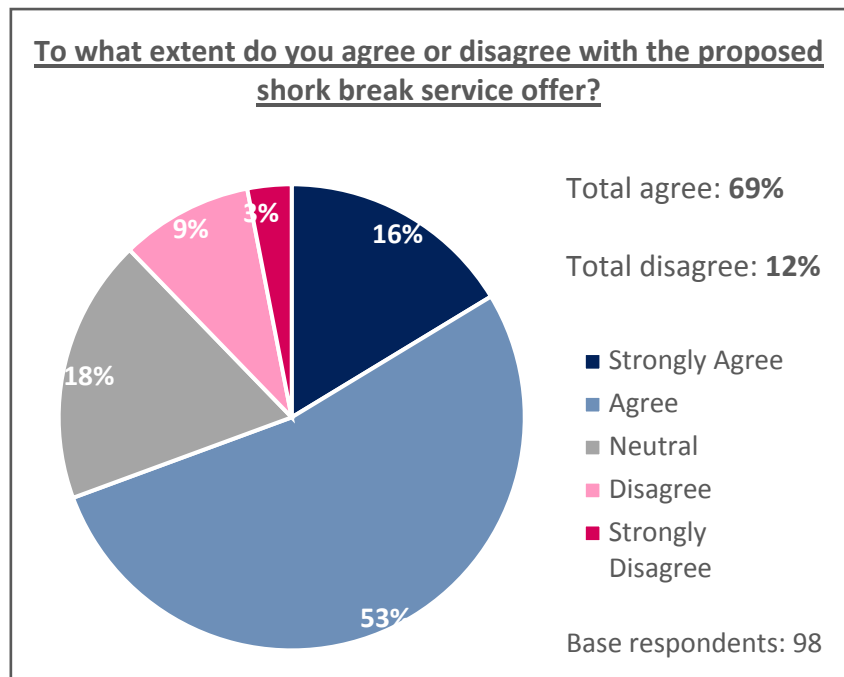


Figure 9

39. Respondents were then asked to provide any comments they had on the proposed short break service offer. Figure 10 shows the themes of comments surrounding the proposed service offer and the number of people that mentioned this in a question within the questionnaire.

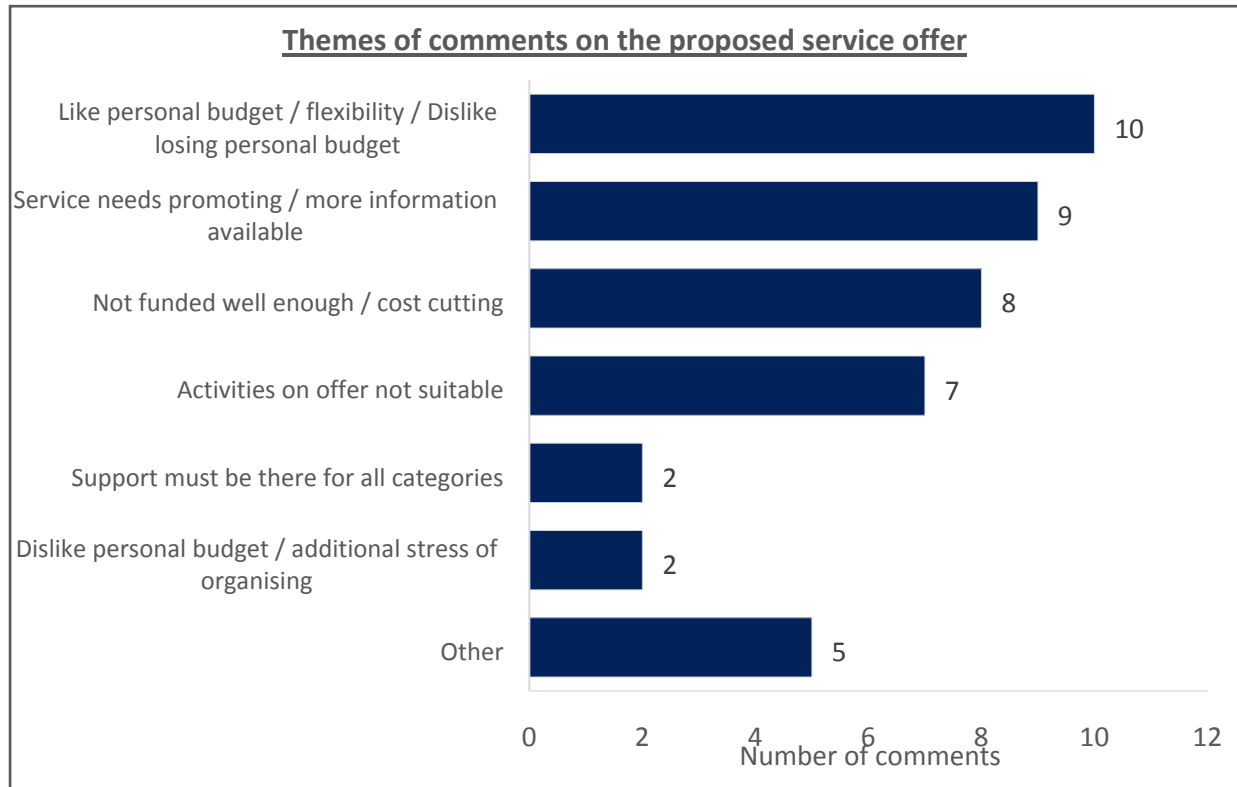


Figure 10

40. The most mentioned theme of comment regarding the proposed service offer by 10 people was that they like their personal budget and the flexibility it has to offer and dislike the idea of losing it. Comments that encompass the sentiment of this include:

“for a lot of families accessing this gives them freedom of choice to suit their own individual families needs.”

“One of the benefits of the personal budget was not having to worry too much about logistics; the proposed changes restrict us a lot more.”

“Personal budgets for all will ensure the money is only being spent on care provided.”

“I think it is unfair to take the personal budget away from medium level families, the budget is sometimes used for rest bite that the family would otherwise not receive!”

“I believe that a lot of families and children will be affected with changes to the personal budget, as for some families the personal budget works better, and allows for the child to do activities & fun things. For example, my child struggles with new people & busy places, and crowds more than just a handful of people. The personal budget allows for me to take him to places he likes & is able to cope with, and do things that he enjoys & is able to do as and when it best suits his needs.”

41. The second most mentioned theme surrounding the proposed service offer was that the service required better promotion and more information available. In total nine respondents mentioned this. For example, respondents said:

“So much is learnt from other parents or carers and that isn’t fair to people who are isolated or don’t have the ability themselves to find out.”

“the reason the personal budget take up has increased so much for Buzz families is that SCC were not transparent in advertising this as an option. It was parents who made this available to other parents through word of mouth and support groups.”

“Unless someone whispered the service Jigsaw to you, you wouldn't really know about them. It is like a secretive department within the SCC.”

“Not all families have an allocated social worker and this makes it more difficult to obtain help and support...Also they are less likely to even know that these services exist because they have no one who can direct them to these services”

42. Eight respondents felt that the proposed service offer is not funded well enough and that there are cuts to the service. For example:

“Where I do think we’ve gone terribly wrong with the bus network is that not enough money has been set aside for those children who aren’t able to access the wide range of pleasure breaks for one reason or another but usually because of severe and prepare and disability and family situation”

“You say that there is no cut to funding but if there are more families using the same amount of funding then this is a cut! You should be making more money available equal to the increase in numbers of families needing support.”

“While we are being told there is no cut to funds (though they aren’t increasing with inflation) and this is just about redistribution, over the years Jigsaw services have already been substantially cut, and many beneficial services stripped down, so it seems to me if people risk losing the support they have and need to share the funds more widely, that the ‘cake’ we are sharing from is not big enough. I agree that it is ridiculous that someone who is on a minimal level of support on the SEN register could have a personal budget, but I very much doubt much of the money is being spent this way, which is why I agree in essence with reallocating funds but it is much more complex than just a statistical tick box analysis needed”

43. Seven respondents felt that the activities on offer were not suitable to the individual. Comments that encompass the sentiment of these feelings include:

“Again especially families with a child with autism who find group situations and clubs extremely challenging if not impossible.”

“And seeing as the only help I currently receive from short breaks or jigsaw is £200 every 6 months for a child with a substantial lifetime condition with significant needs/ learning disability to pay for access to disabled activities/ play schemes which he needs as he certainly cannot cope with mainstream ones then I certainly don't feel it's ok to accept less help from the proposals”

“Children with Autism that are assessed as being Medium, may have a limited choice of short breaks that they would actually want to use. My son does not like cinemas, leisure centres, theme parks, museums or soft play centres.”

44. Two respondents stressed the importance of support being in place. For example:

“It is vital that carers and their children have access to adequate provision. This service is a lifeline to a lot of families and helps families feel valued in the role they do on a day to day basis.”

“What I would not like to see is a decrease in support. Nobody asks to have a child with additional needs nobody wants to ask for help but when someone does that support should be on hand and available.”

45. Two respondents wrote about their dislike of a personal budget and how it adds additional stress and organising. Comments included:

“Whilst I appreciate that it may be easier for the local authority and cheaper to operate personal budgets for service users. They are not value for money for families as directly purchasing Services for families that are over wrought and so busy caring for their child trying to work trying to manage family situations put even more stress and strain on them. With the best will in the world I just do not have the time to manage direct payments which is why I have never access them for our family it would be impossible to purchase the level of care which has been assessed on their need that we have now.”

“Firstly, it looks as if personal budgets are being foisted on us whichever way you read these proposals. As a single parent carer I do not have the time or the energy to become an employer/ do additional accounts etc, the last thing I need is additional responsibilities in the interests of self preservation and my ability to carry on caring.”

46. There were a further number of comments around the proposed service offer including:

“There are still issues with the 'substantial' category and receiving a timely offer of support.”

“it depends on what providers offer and how it is managed, surely if they are providing a service for people they have to be controlled and it has to be maintained?”

“Allowing personal budgets to be sent spent on things like cinema trips by families who could well afford this is really quite worrying. As I said I’ve seen parents asking for ideas on social media of what to spend their personal budget on many wanting to spend it on frivolous things and not in conjunction with their young person. I warned about this several years ago and it has not been managed well.”

“I like the idea of the short breaks card.”

“I am not convinced that the discount card would be used by families with similar children.”

47. The next section of the questionnaire asked respondents about the naming of both the Jigsaw and Buzz Network service. Respondents were asked whether or not they felt the name should be changed. For the Jigsaw service, 65% of respondents felt there should be no change to the name of the service compared to 35% that felt the name should change. For the Buzz Network service, 68% of respondents felt there should be no change to the name compared to 32% that felt the name should be changed. Figure 11 below shows these results.

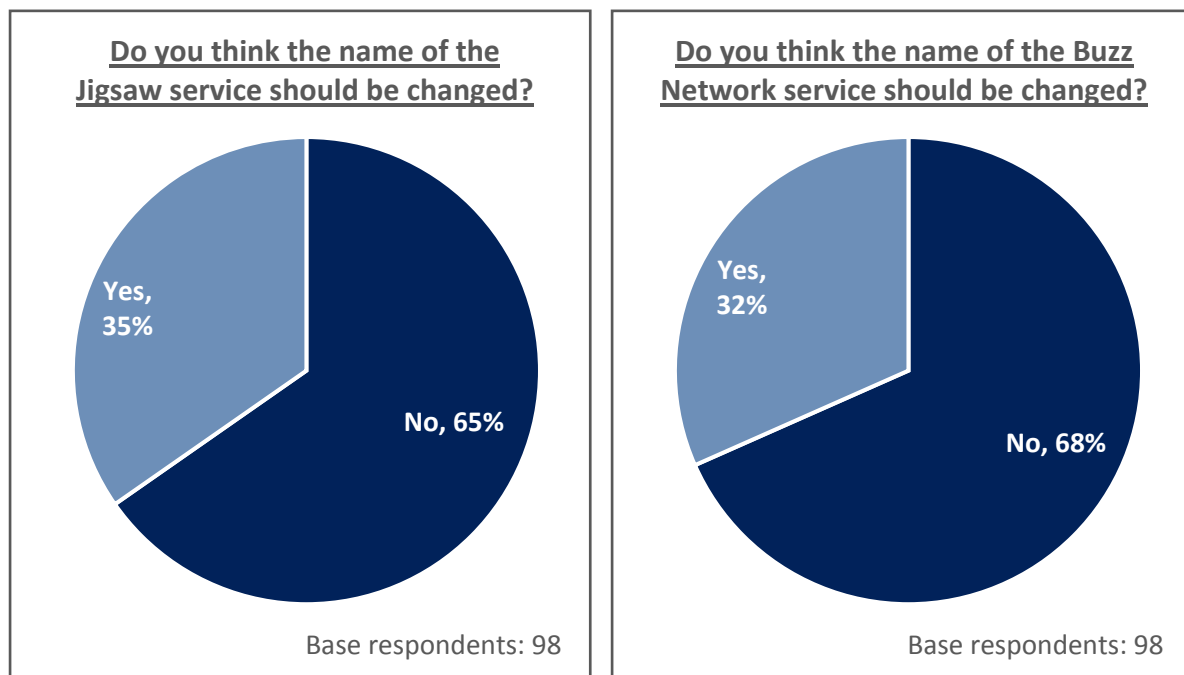


Figure 11

48. Respondents were then given the opportunity to suggest any new names for the services if they felt they should be changed. The following suggestions for names for the services were recommended.

Jigsaw name suggestions:

Buzz Network Plus

Children with Additional Needs Service (CANS)

Children's support services team

Gateway

Something along the lines of children services

Southampton Childrens Social Services

step-up

Buzz network name suggestions:

Child support voucher scheme

Children and Family Short Break Service

Gateway

Inclusivity network

We need something nationally recognised like the Hampshire Gateway

Connections

49. In addition there were comments that did not specifically provide a name suggestion, but made a suggestion on how names for the services should be devised. The following suggestions were made.

Jigsaw service name comments:

Because what does 'Jigsaw' really mean? Can be misleading or misinterpreted by families.

I think jigsaw is quite fitting because it is like fitting a puzzle together, however to reevent a service in my opinion you need to demonstrate change and wha better way than the name. But I also think there should be some sort of pack or letter than explains the service, what's available and the aims.

It should say what it does jigsaw doesn't really explain anything. The criteria for intervention should also be clearer.

Just call it what it is or does.

No but this name is not touchable

Something that has what it is in the title.

Something that reflects the service. I haven't got a name in mind.

Buzz Network name comments:

Again, call it what it does.

Buzz doesn't mean anything to me to be honest, and like I said with jigsaw to reevent a service and show change the best way to start is to change the name in my opinion.

A title that fits with the service and young people's needs makes its more transparent and easier to understand Jigsaw and buzz network have no relation really to the service offer and is confusing to parents and probably the young people.

As I was involved directly in choosing the original name I think it should be changed as this service no longer reflects the values and that it was set up for. I realise that there is less money available because of government cuts but removing a high level of support to some

families will literally be a disaster for them. As bus network was named when we had true funding and government ring fenced backing it would be tainted to carry on using it in the current climate. The management of the personal budgets under the bus network has frankly been appalling I have seen parents constantly asking on Facebook what to spend their budget on and these budgets have just been handed out willy-nilly without much

Something that reflects what it is, most people don't know.

The name Buzz Network doesn't mean anything other than now being familiar. It was linked with the old parent forum now which has now been disbanded so a fresh name that says what it does on the tin is needed.

50. The next part of the questionnaire asked respondents whether there were any alternatives that the council should consider. In total, 22% of respondents felt that there were alternatives that the council should consider. 78% of respondents felt there were no alternatives to the current proposal that should be considered.

51. Respondents were invited to share any alternatives or suggestions that they felt the council should consider. Figure 12 shows the themes of comments surrounding suggestions and alternatives and the number of respondents that mentioned these in a question within the consultation.

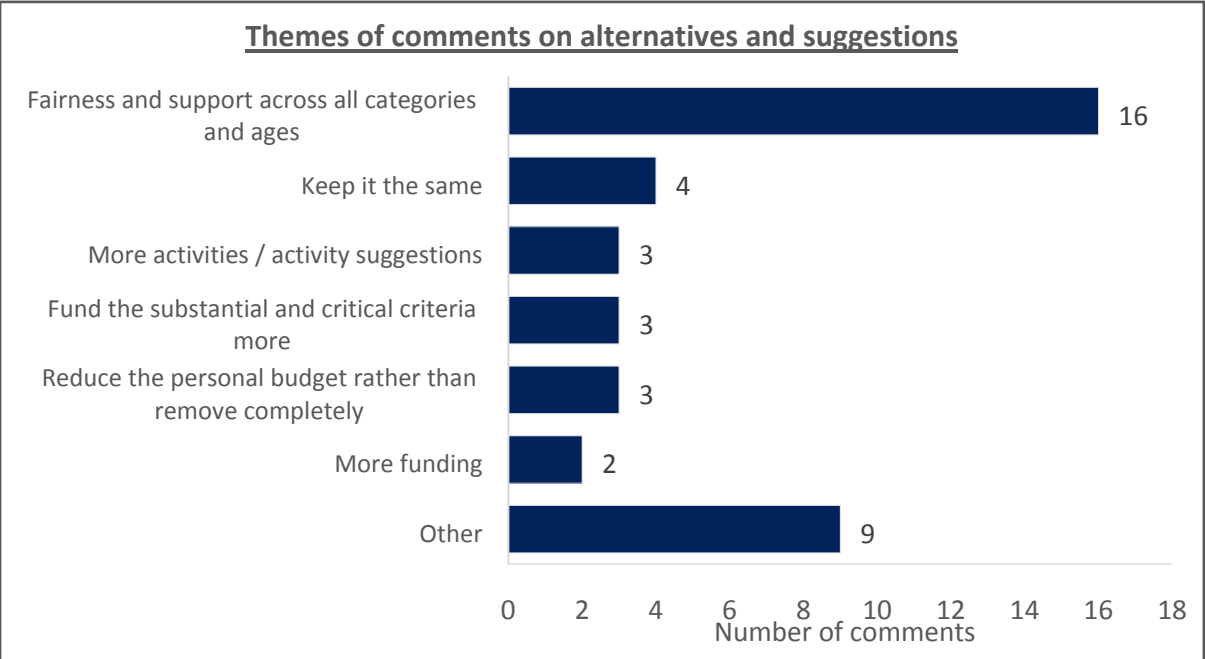


Figure 12

52. The most frequently reported suggestion or alternative to the current proposals was to be fair and provide support across all categories and age groups. In total 16 people raised this suggestion and the following comments provide examples of these:

“It needs to be fair across all disabilities and learning and care needs”

“It seems like we would be penalised for not being so needy when we are a family that would actually benefit from more help and support.”

“Unfair to lose personal budget for families with low or medium disabilities, maybe a lower budget for them would work better.”

“What is out there for profoundly disabled children to access the community, there are lots of services for those with moderate learning disabilities.”

“I am quite astounded that you seem to be sending the message that only children with critical needs require integrated support from health and social care working closely together.”

53. There were four respondents to the consultation that wrote that they would like the service to remain as it is currently. Comments included:

“Why are you changing something that works for most families.”

“I feel the way it is run at the moment is the best solution for all. By doing it the new way you're actually putting children in two categories which could be unfair on each child”

“Option to keep a personal budget at the medium Level”

54. Three respondents suggested that there should be more activities available or suggested activities themselves. For example:

“There needs to be some analysis of what young disabled teens who are cognitively able would like as a service. One of my service user recently asked me to help him get 'out and about”

“I hope there is activities for the early years group too. At the moment all the short break activities are for over 5yrs!”

“I think it is important that play schemes for complex children are still very important. I fell these should be accessible from the same age as they go to school. Offer for things that families can do together or just child + siblings.”

“Whilst I agree Southampton does have a good Sure Start offer (0-5), the younger children who access the Short Breaks service (and those who will continue to access it) should still have access to applicable and age appropriate activities.”

55. Three respondents felt that the substantial and critical criteria should be funded more. For example:

“Funding should only be given to families/children who meet the Substantial and Critical eligibility criteria”

“Perhaps remove the personal budget for those who have minor needs on the SEN register, limit funds to those with a Statement/EHCP or significant need , otherwise keep the old systems in place.”

56. Two respondents felt that the service should be better funded. Comments included:

“Adding funding to services that are a lifeline to families rather than cutting budgets.”

“More money available, SCC should be proactive as other local authorities are in topping up the shortfall in social care funding from other sources, not sitting waiting for more money to come to them.”

57. In total, three people felt that perhaps rather than losing their personal budget completely it would be better to still receive a smaller amount. Comments included:

“Do more direct payments with smaller amounts rather than not being open about this option and people feeling that have to spent almost double the amount on picked services”

“I agree that the amount of the personal budget may be too high at the current yearly amount awarded but feel that a personal budget at a lower amount is still very much needed.”

“Unfair to lose personal budget for families with low or medium disabilities, maybe a lower budget for them would work better.”

58. There were a further 9 suggestions and alternatives supplied by respondents to the questionnaire. These included:

“The age of the carers should be considered, young people may not want to be seen with older carers. Also issues of diversity of carers should be considered regarding cultural needs.”

“I think there should be some sort of pack to welcome people to the service as a whole. Explain the difference between the services and what is available to them.”

“A photo ID card for the service user which goes with the child so any carer can take it and it can't be misused”

“I also now believe because of the punitive cuts that councils are having to enforce because of government cuts, that families Who have higher incomes and could actually do without a personal budget and provide or pay for what their child needs to access could be a way to move forward and provide for those families who are on much lower incomes or in work poverty or on state benefits. It is ridiculous at the moment that families who may have an income of £50,000 for example can still access personal budgets because they couldn't quite afford to provide and access what their child needs by paying for the services of which there are plenty if you have money.”

“Will there be a transition period, especially for families who will find themselves receiving less financial help under the new 'system'?”

“I also find it amazing that the resources offered by Jigsaw are not available online! At the very least, within budget constraints, Jigsaw needs a dedicated website or a page or two about who they are, what they do and resources (or links to these) that parents/carers can read and hopefully download. For instance, the tips on good sleeping habits. Why wouldn't that be made available online? The tips about direct payment, why isn't that online? Toilet training, etc. I could go on and on.”

“Stop paying the very expensive care agencies to provide the short breaks. Our experience has been that they will claim their fee, however not provide a service. Our son did not get support for nearly one year without support.”

“Should be able to be done online as I know there is not much staff to cover everyone”

59. The next question within the questionnaire asked respondents what impact the proposals would have on them or their community if they were to be implemented (See figure 13). Overall, 2% of respondents felt there would be no impact at all and 16% felt there would not be much of an impact which suggested around 19% of respondents felt there would

be little impact. In comparison 73% of respondent felt the proposals would have a moderate or significant impact on themselves or their community. Of this, 39% felt there would be a moderate impact and 34% a significant impact.

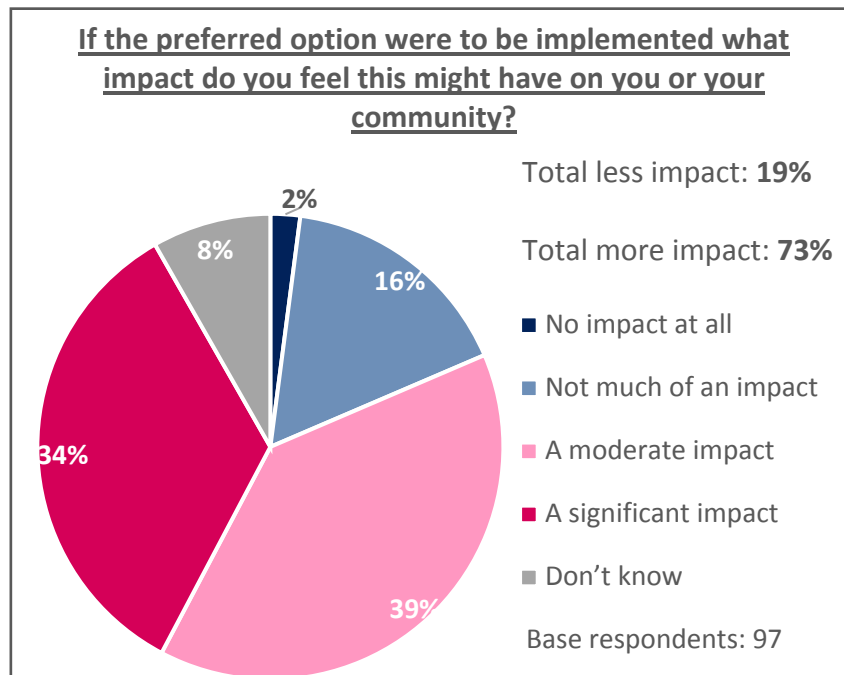


Figure 13

60. Respondents were then asked to outline any personal impacts or equality issues that may have been overlooked in the formation of the proposals. Figure 14 shows the themes of comments provided and the number of people that provided a response on this within the questionnaire.

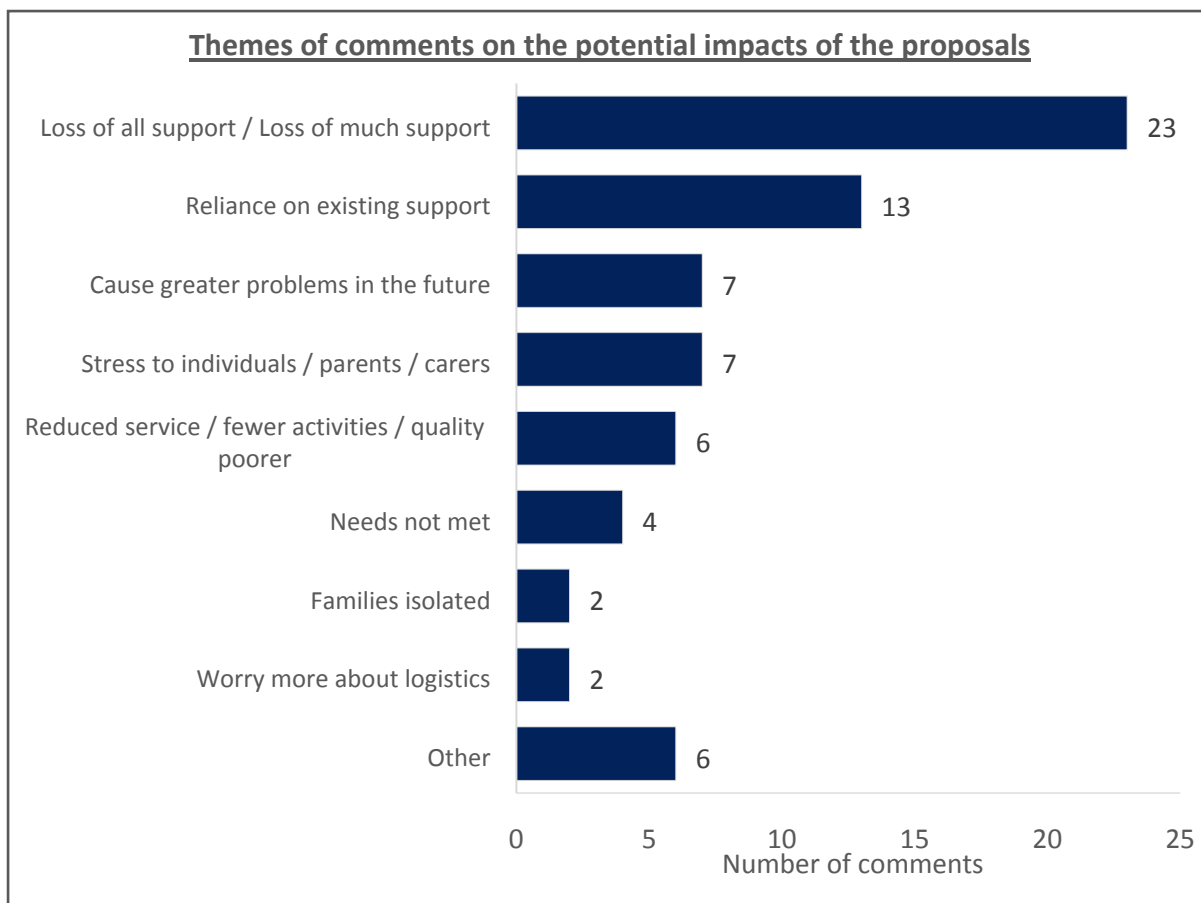


Figure 14

61. The most frequently written concern and impact of the proposals was the loss of all or much of the support that the individual currently receives. A total of 23 respondents mentioned this within a comment on the questionnaire. The following examples encompass the sentiment of these comments:

“Lots of disabled people would fall between the cracks and not get any choice in what they are offered, (or get no help at all), if they are not classed as the most severely disabled.”

“Reading the criteria it is likely my son will meet the Medium level and therefore lose the personal budget we have used to enable him to enjoy 1:1 support. This allows him to feel independent and allow for us to undertake activities with our other child that is too difficult for our son.”

“My son accesses Mencap and for him this is a life line I honestly don’t know how he or we would manage if he wasn’t able to attend, he won’t care about changed or availability.”

“Please, please don't affect my son's respite and his short breaks residential respite. Without this he couldn't function and I couldn't function!”

“I know there’s a need to reach families that need help but just worry for some that are already receiving help that then may be taken away.”

62. In total, 13 people wrote about their reliance on the service currently and how this would be impacted by the proposed changes. The following comments are examples:

"You must understand that for families like mine who have completely relied on the support and overnight breaks that we get from Jigsaw to change at this juncture in time to something different before going into adult services is completely unreasonable unfeasible and I would not hesitate to take action about it"

"The only reason I can work is through the support I get through DLA Buzz direct payments and having a carer who I top up her hours so I can work full time."

"This service is a lifeline to a lot of families and helps families feel valued in the role they do on a day to day basis."

"everyday people that rely on the services that will be affected a by a great deal."

63. Seven people expressed concern over a reduction in support leading to greater problems in the future. Examples include:

"we will end up with more families in crisis which will lead to more of these children/ young people in boarding schools or care."

"This will have negative impact upon the community, as they live in the community and will be a burden rather than a useful asset if they do not receive the help they need."

"Families have to get to crisis point before they get additional appropriate support from social services."

"To get a respite would help so much to recharge and continue what we do rather than becoming ill or any injuries would mean someone would have to come in and take over."

64. Seven people wrote about the stress that the proposed changes would cause the individuals, parents and carers. Comments included:

"Lots of money will be wasted making assessments, which will be instructive, and an invasion of privacy to what is already a stressful life with a child with a disability."

"I'm actually lying awake at night worrying about this ! I had one breakdown before we got our respite package I do not intend having another by having it taken away from us."

"He would not feel comfortable accessing groups due to the noise and his difficulties engaging with others due to his autism."

65. Six people spoke about the impact of proposals resulting in a reduced service, with fewer activities and poorer quality. Examples of quotes encompassing this theme include:

"I worry about whether there will be enough subsidised activities for my children's ages and needs, and where they will take place."

"it is a pity that SCC is downgrading the service they offer to MOST disabled young people."

"The money has helped us do so many fun things a lot of memories just worry without the budget if we could still make these memories"

66. Four people felt that the needs of the individual would not be met if the proposed changes were to be implemented. Quotes include:

“Funding across the city has been cut and support is being cut so to do this is another step in the direction of not looking after the most vulnerable people are disabled children and young people”

“It is only through a personal budget that many disabled people can have their needs meet, and the taking away of this choice is to put most disabled people in Southampton at a disadvantage”

67. There were two comments relating to families potentially becoming isolated as a result of the proposals. For example:

“They didn’t provide any dates over Christmas and Christmas was a nightmare because of it, we were unable to go out of the flat for one day...therefore we spent more than a week without getting any fresh air as I have very limited family support and my son won’t even walk to the corner shop”

68. Two respondents expressed concern over managing the logistics themselves as a result of the proposal. For example:

“One of the benefits of the personal budget was not having to worry too much about logistics; the proposed changes restrict us a lot more.”

69. There were a number of further impacts that respondents raised in relation to the impact of the proposals. These included the following comments:

“Please remember that a large proportion of children with special needs can not manage change, and if you take away services that they currently access or allow them to access through buzz, jigsaw or the payments then this could put a huge pressure on the child and their families”

“You will need to carefully consider the impact on the children themselves. For some, it has taken years to build trusting relationships, e.g. with care workers and to have that suddenly taken away can lead to some serious repercussions.”

“some families who currently receive the buzz fund may not be able to afford doing things without this help. For example i pay for my son's swimming lessons with his and if i didn't receive the buzz budget i wouldn't be able to afford to take him. And on other days out so it really helps us.”

70. The final question relating the proposed short break service offer asked for any further comments that the respondent may have. When analysing the free text comments from the questionnaire, all comments from all questions were analysed and categorised together. For example, if a respondent commented on the eligibility criteria in this free text question that comment will have been regrouped with all other comments on the eligibility criteria to ensure that an accurate picture of opinions can be calculated across the entire consultation. A lot of the comments submitted within this question related to a specific part of the consultation and have therefore been included and counted in the themes of comments reported on the proposed criteria, service offer, alternatives and suggestions and impacts.

71. Themes of comments for the question “any further comments” included:

- a. There were 13 people that commented positively on the proposals generally.

- b. There were 7 people that commented on the consultation process. These comments will be discussed later.

72. The positive comments generally on the proposals included:

"I appreciate all the hard work the SEND team and the parent carer forum have put in to this proposal. There certainly is more of a parent and young person's voice in Southampton over the last year or so."

"I can see clearly it needs to change. I fully understand that."

"I am very excited by the proposal. As a social worker in young people's palliative care I am frustrated by the length of time for assessment and the lack of opportunities for many young people who are life limited."

"I think it's amazing that the SPCF has worked so hard to include every family no matter how little or how much affected. It is definitely time that Southampton families in need of help, support & respite breaks get what they do desperately need. The Southampton parent carer forum is incredible & long may it continue."

"From what I have observed myself the system definitely needs redefining as some families in Southampton do have access to loads of help whilst everyone else struggle alone."

Public sessions feedback

73. 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 8th February and has been viewed 677 times. Full details of all session dates, venues and attendance is provided below.

Date & Time	Venue	Number of attendees
22/11/17, 10am-1pm	Rose Road Association	8
28/11/17, 11am-1pm	Civic Centre (Providers only)	7
11/12/17, 10am-12	Springwell School	2
10/01/18, 10am-12	Great Oaks School	3
15/01/18, 6-8pm	Southampton Mencap	3
24/01/18, 5-7pm	Civic Centre	6
29/01/17, 1pm-3pm	Rose Road Association	10
07/02/18, 10am-12	Rose Road Association	20
08/02/18	Facebook Live	677 views

74. 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 of 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.

75. Questions around how the quality of community activities will be monitored.

Other feedback

76. 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.

RNIB

77. 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. RNIB did not comment on the proposed service offer or whether the service names should be changed.

Southampton Mencap

78. 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

Facebook Poll and Feedback

79. A poll was set up on Facebook during the consultation by a parent interested in finding out people's views on the Buzz personal budget and One2One service. 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

80. The main areas of feedback were:

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

81. Positive feedback about the 1:1 service

Feedback on the consultation process and approach

82. The council is committed to make the whole consultation process as transparent as possible. As a part of this, any feedback on the consultation process itself received during the course of the consultation is summarised in this section.

83. Overall, out of the 99 people who answered the consultation questionnaire, a total of 7 people commented on the consultation process itself.

84. The comments made regarding the consultation process are shown below:

Without full disclosure of the preferred option and what it entails this consultancy is flawed and is open to challenge due to not being sufficiently informed of the impacts of the choices offered.

Alternative what?

I can't really comment until I know what the levels correspond to in terms of the support offered.

I hope the local authority does its utmost to get this consultation out there so that it can gather as many opinions and ideas as possible. I have only become aware of it via the parent carer forum - nothing at all from the Council or from Buzz network.

I'm extremely concerned that all families are not being written to directly as well and you are solely relying on social media and web based media to spread this message. That is not full and proper consultation and could in fact land you in very hot water. I say this as a very long-term user of social media and electronic communication, however I know that family is on very low incomes are relying on pay-as-you-go phones to access any sort of social media and often cannot access web based content unless they either borrow or access computer facilities through libraries or through family and friends. Unless you make family is directly away through the post as well but particularly those who are in these positions then you are not consulting fully. The rationale for these changes has not been explained fully and frankly it should be in plain English and with more frank explanation of why you need to change these things. I am under no illusion whatsoever that whatever Parent feedback you get on this you will take absolutely no notice whatsoever. As I discovered the trouble is that parent forums become another home of the council and are not a fully Acting as a critical friend they are just an extension of bringing in change by the council but they have already been convinced to do it rather than acting as a critical friend. I'm exhausted by everything that's going on punishing families of disabled children and young people and I will be watching this very

closely and challenging any legality Around changes but also assessment. You assert that you are not meeting legal requirements at the moment but you don't "the appropriate parts of the Act around changes but also assessment. You assert that you are not meeting legal requirements at the moment but you don't "the appropriate parts of the Act, nor do you explain where you think that you are not acting legally. I am very cynical about this whole exercise and it's also not been publicised outside of social media and web based media which is extremely disappointing given all the feedback that has gone on in the past. The communication from Jigsaw sensually about changes of manager about changes in staff have been abysmal and communication from the bus network has all but stopped for many people with databases not been kept up-to-date and people slipping off the radar.

The impact scales did not allow people to identify if positive or negative impact. Also I felt I had to respond 'neutral' in places as it was not a simple yes or no answer, more of a yes AND no answer.

There needs to be more clarity on the short breaks proposals as to what they would actually mean to current members as I don't know whether I would come into the category of less/ more help than currently provided

Conclusion

85. The consultation sought views on proposed changes to the short break service offer for children with disabilities or additional needs and proposed changes to the eligibility criteria which allows access to these services.
86. In total, 99 respondents completed the questionnaire which ran for 12 weeks from 21 November 2017 to 12 February 2018. In addition, 52 parents / carers attended sessions on the consultation as well as 10 representatives from short break providers or schools.
87. The demographic breakdown of respondents to the consultation questionnaire showed that whilst certain groups were less represented than others, there was still engagement across a broad ranges of groups.
88. Overall there was a higher level of agreement (74%) than disagreement (14%) for the proposed eligibility criteria and also a higher level of agreement (69%) than disagreement (12%) for the proposed service offer.
89. The most frequently mentioned themes of comments in the questionnaire included: the need to have clear criteria and assessment; the need to take into account family situation during assessment, the wish for a fair level of support across all categories and the potential loss of support that individuals may face.
90. In conclusion, this consultation allows Cabinet to understand the views of residents and stakeholders on the proposals that have been consulted on. Therefore it provides a sound base on which to make a decision.

Key change/activity	Detail	Relevance to eligibility criteria	Impact	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19		
New eligibility criteria	Proof of DLA or PIP required	Low	Families will be provided with information and advice about local services and if necessary, provided with information to make	A small number of families may lose their personal budget. The actual number is difficult to identify as information about DLA/PP	Request proof of DLA/PIP				Proof of DLA/PIP standard requirement for all requests for support through Buzz Network												
		Medium	All Buzz Network members will be asked to provide evidence of their DLA.	1250	Short																
		Substantial																			
	Access to services via assessment	Low	No assessment required. The right to request an assessment is an option if families feel there is a significant impact on them.	up to 5,000	Information, advice and guidance provided to families identified at the Low level.																
		Medium	No assessment required. Proof or DLA or PIP required. The right to request an assessment is an option if families feel there is a significant impact on them.	Estimated to be 1350	Information about enhanced mainstream services provided to families identified at the Medium level. Advice and guidance also provided																
Substantial		Existing assessment approach to be expanded to consider a child's disability and additional needs.	Estimated to be 150	Assessment process reviewed and amended. Staff training.				Assessment process in place and teams identifying families and accepting referrals													
Complex		Current assessment approach to continue	285	Current assessment and referral process continues with the wider range of eligible needs included																	
Personal budgets	Personal budgets are provided according to eligibility criteria	Low	No entitlement to a personal budget	A small number of families may lose their personal budget. The actual number is difficult to identify as information about DLA/PP	Families provided with information and advice																
		Medium	Low level of personal budget available to 31 March 2019 as new services are developed	Estimated 500 of 1250 families receive reduced personal budget	Low level of personal budget available while community service developed.										Personal budgets cease to be available.						
		Substantial	From 30 September 2018 support provided by Children Services. Those identified and engaged in Buzz Network; 1 April 2018 - 31 August 2018 provided with low level personal budget.	Estimated to be 150 of 1250 Buzz Network families	Low level of personal budget available while Children services are trained and new processes developed				Personal budgets and access to assessment be provided through relevant children services/teams												
		Complex	From 1 April 2018 existing Jigsaw families will receive all their personal budget and support through Jigsaw service assessment and review process	Existing 255 families and an additional estimated 30 families will join the Jigsaw service	Case reviews completed to assess family circumstances including short breaks allocations.		Personal budgets for short breaks, where relevant are included in the overall support provided to families.														
Short break services	Improved information about accessible mainstream services	All	Families will be able to find out about mainstream services through an improved Local Offer	7,000 children	Develop a new improved Local Offer, coproduced with families			Ongoing development and provision of improved Local Offer													
	Enhanced mainstream services	Medium	Mainstream services will be able to offer additional facilities and activities for families who hold a Short Break Plus Card (or similar identification)	Estimated to rise to around 1350 families	Continue to grant fund a range of community activities				Seek applications from mainstream services to provide enhanced services				A range of enhanced mainstream services available to families with a Short Break Plus Card (or similar form of identification)								
					Working with families and providers sources and develop services alongside the setting up of a grant or contracting mechanism for providers to make applications for funding				Transition existing services to new funding mechanism												
	Contracted services	Substantial	Specialist services contracted to offer one to one support, outreach and overnight residential services	Estimated 150	Procurement process undertaken																All contracted services in place.
		Complex																			
Concessions	All	Provide additional support to families & children	7000	Continuous negotiations with local companies and providers to secure concessions.																	
Short break card(s)	Develop Short Break and Short Break Plus cards (or similar form of identification).	All	Appropriate means of identification will assist families to receive concessions when accessing services	up to 7000 (1350 for Short Breaks Plus card)	Set up task & finish group including parent representatives		Co-design and develop Short Break Card(s) or similar form of identification. Start to engage local businesses and companies				Continual engagement with local companies and businesses to improve the benefits of the Short Break card(s)										

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Short Breaks case study – Lily Low

Lily is 12 years old and lives with her mum and older brother. Lily has dyslexia and needs some additional support at school with reading and writing. She sometimes feels frustrated by the difficulties she has in English class and needs some additional time during examinations on account of her dyslexia. She is able to participate in the same types of activities as her peers.

Current Service	Future Service
<p>Lily and her family can access universal services.</p> <p>Lily’s parents are not aware of the Buzz Network Short Breaks offer.</p> <p>Lily’s parents don’t currently know about the SEND (Special Educational Needs and Disability) Local Offer Webpage on the Southampton Information Directory Website.</p> <p>The recent Joint Local Area SEND Inspection report highlighted that the SEND Local Offer online tool is outdated and has some gaps and that very few parents know what the local offer is, relying on front line practitioners to signpost them to services.</p>	<p>Lily will continue to access universal services.</p> <p>The Local Offer will be updated and publicised widely to enable families to have easy access to information on the suite of mainstream clubs and activities in and around Southampton, including school breakfast and after school clubs, school holiday activities and events, as well as information on processes, pathways and support services available in the area.</p> <p>Lily’s parents (all families) will be able to find out more at the forthcoming Southampton Local Offer Live Event running on 10th March 2018.</p>

Short Breaks case study – Malak Medium

Malak is 6 years old and lives at home with his mum, dad and two younger siblings. Malak received a diagnosis of autism and ADHD last year. He can be very energetic and is not always aware of dangers around him, being very unpredictable in his behaviours. He has found the conformity of school difficult as he is getting older now that the curriculum has moved away from play based activities. He has recently undergone an assessment for an EHC (Education, Health and Care) Plan and his parents are considering whether his needs might be best met in a special education provision once he has finished infant school. They have recently been awarded the middle rate care component for DLA (Disability Living Allowance) and the low rate for mobility.

Current Service	Future Service
<p>Malak’s family are signed up to the Buzz Network where they have access to news and updates on services available.</p> <p>Malak attends specialist play schemes which allow the family breaks from their caring responsibilities on Saturday afternoons and during school holidays.</p> <p>Malak attends a swimming group once a fortnight, commissioned specifically for children with additional needs. Malak’s family would like him to attend this group more regularly but it is a very popular activity for families so available sessions have been shared out to enable all families who would like to benefit from this offer to do so.</p> <p>Malak’s family also received a one off personal budget of £400 this year, intended to support Malak to access further activities that are of interest to him. Last year they received £600 but due to the increasing popularity of this option, the amount has been reduced to enable other families to receive this too. His family are required to set up a separate bank account and provide the short breaks team with evidence for all of the spend of this money, proving that it has been used for short breaks. Malak’s family feel that this is a lot of hassle for such a small amount of money which is likely to reduce again as more families join the network.</p> <p>Malak has a Buzz Network card which can be used as evidence for concessions at a very select number of places of interest e.g. Marwell Zoo.</p>	<p>Malak’s family will continue to receive news and updates through the Buzz Network because the family are in receipt of DLA.</p> <p>Malak’s family will receive a new Short Breaks card that will be recognisable by a broader range of places of interest whilst also offering a range of discounts and concessions negotiated across the city.</p> <p>Malak will still be able to access play schemes and grant funded community based activities e.g. swimming sessions.</p> <p>Malak’s family will no longer receive the one off Buzz Network personal budget of £400 a year. However, Malak will now benefit from being able to access a greater range of enhanced/adapted mainstream activities near to his home (Southampton) that can support his needs.</p>

Short Breaks case study – Maddie Medium

Maddie is 8 years old lives at home with her parents and 3 siblings. She has a diagnosis of ADHD and also has sensory processing difficulties which means she can find some environments, particularly those that are crowded, with bright lights, very overwhelming. This can sometimes result in behaviours that challenge. Academically Maddie is very able, and with some additional support, behaviour strategies and reasonable adjustments in school, she is able to manage well in a mainstream settings. Her parents report her behaviours at home to be challenging as the home environment does not have the same structure as school and that is difficult to give her the attention she requires as there are 3 other siblings. Maddie qualifies for the low level for the care component of DLA.

Current Service	Future Service
<p>Maddie’s family could currently access the Buzz Network but have chosen not to because then enquiring, they established that the play scheme element of the offer, is primarily aimed towards supporting children/young people with complex or multiple needs.</p> <p>Maddie would like to attend the same clubs as her siblings but mum has been told that she cannot join because there will be a requirement for more dedicated staffing to support Maddie’s additional needs. The personal budget would not cover this and currently the staff in the settings are not trained to support young people with ADHD. Mum can’t get Maddie to any of the Active Nation sessions which are grant funded through the Buzz Network because the timings of these clash with the clubs that her other children attend.</p>	<p>Maddie’s family will continue to be eligible for support through the Buzz Network because the family are in receipt of DLA.</p> <p>As part of the new proposal, mainstream activities/clubs will be able to apply for funding to support with things like increasing staffing levels or for financial help to cover the cost of training for staff to learn skills and strategies to enable them to support clients with SEND and ultimately become more inclusive. This will expand the clubs and activities available to families in Southampton and give more opportunity for children with additional needs to take part in activities in their communities with their mainstream peers.</p>

Short Breaks case study – Sally Substantial

Sally is 14 and lives at home with her mum and dad and two younger siblings. At age 11 Sally was diagnosed with Asperger’s syndrome, a high functioning form of autism. She has recently received a diagnosis of anxiety through CAMHS and has started taking medication for this. She is academically very able but her condition has impacted on her attendance at school. She struggles with change in routines, transitions, and in her social communication. She gets frustrated when she cannot communicate her needs successfully or has had an unexpected change in her routine and this often results in the presentation of behaviours that challenge. These behaviours can include high levels of aggression towards herself (self-harm) and others, specifically mum and staff supporting her at school.

Current Service	Future Service
<p>Sally has been open to social care teams for short term intervals when her aggression has been so severe that it has presented as a safeguarding concern (significant risk of serious harm to self or others).</p> <p>Sally and her family can access the Buzz Network for non-assessed short breaks but the amount of money available through a personal budget at this level is not felt to be enough to enable the family to employ a support worker to enable the building of a positive and trusting relationship with Sally. The family used to use one of the commissioned one2one services but due to staff turnover, the worker kept changing and this led to an escalation in incidences of challenging behaviour.</p> <p>There are play schemes available but Sally’s parents feel that these are for “more severely disabled children” – they do provide Sally with a peer group and feel that the other children would be very vulnerable if Sally attended. Sally says that she just wants to be able to do the same things as other girls her age.</p> <p>The only way to get more Short Breaks is through JIGSAW (Children with Disabilities Tram) but a referral has previously been made to this team and Sally does not meet the criteria because she does not have a learning disability.</p> <p>Sally’s family feel at crisis point.</p>	<p>Sally will continue to be open to social care teams in periods of increased risk to self or others but the relevant social care team will be able to complete a short breaks assessment tool as part of their input. This request will go to the short breaks panel which will assess in detail the longer term support that the family require to enable them to continue to sustain caring for Sally’s complex needs.</p> <p>If eligible, Sally’s family will be given a Personal Budget for the purposes of enabling the family to have short breaks from their caring responsibilities, and enabling Sally to take part in meaningful and relevant social activities of her choice.</p> <p>A personal budget is a clear, upfront amount of money identified by the Local Authority that can be used to arrange short breaks. The amount depends on an assessment of individual needs and can be managed in a number of ways:</p> <ol style="list-style-type: none"> 1. Direct payment – Examples of how this can be used include; To employ a person who can care for Sally overnight, in the home or in the community, to pay for play scheme sessions or other activities and days out or to purchase specialist activities that enable improved access to activities in the community. 2. An arrangement whereby the LA holds the funds and arranges the support 3. Third party arrangements – where the money is paid to an individual or organisation to manage on the families behalf. 4. A combination of the above. <p>This will be reviewed at least 6 monthly by the Short Breaks Team.</p>

Short Breaks case study – Charlie Critical

Charlie is 7 years old and lives at home with his mum and older sister Chloe. Charlie was born prematurely and suffered brain damage at birth leaving him with complex disabilities. He has cerebral palsy and uses a wheelchair. He cannot sit unaided, he has no movement in his legs or right arm and has only very basic communication skills. Charlie relies on adults for all of his care needs including feeding, washing and dressing. He doesn't sleep well so mum is up frequently in the night with him to adjust his position or attend to his care needs. This has a significant impact on mum as a lone parent.

Current Service	Future Service
<p>Charlie is open to the JIGSAW Service, a multi-agency health and social care team for children with disabilities.</p> <p>Charlie's family is able to access multiple services through this team, including a social worker, a learning disability nurse and occupational therapy.</p> <p>Charlie's social worker has carried out a short breaks assessment through a resource allocation tool which takes into consideration the impact of Charlie's disability on both him and his family. Charlie's family have been allocated a £7000 personal budget through the short breaks assessment panel. Charlie's mum has chosen to spend £4000 on overnight short breaks at a specialist respite unit and she has taken the rest as a direct payment to employ staff to help Charlie access the community and activities that he enjoys, and to accompany the family for days out.</p> <p>In addition to this Charlie accesses specialist play schemes in the school holidays through the buzz network and mum has received an additional £400 direct payment through this service - this has been used to fund swimming lessons for Charlie.</p>	<p>Charlie will continue to be supported through the JIGSAW multi-agency health and social care team for children with disabilities.</p> <p>His family will continue to receive their assessed short breaks personal budget which is reassessed every 6 months.</p> <p>Charlie will still be able to access specialist play schemes by purchasing sessions through his assessed short breaks Personal Budget. It would be the expectation that the subsidy that Southampton City Council currently pay for these schemes will be deducted from the family's overall personal budget. Charlie's family may feel that the reduction that this would cause will have a significant negative impact on the family and may therefore have an updated short breaks assessment to account for this.</p> <p>Charlie's family will no longer be offered an additional £400 Buzz Network personal budget but there will be grants available to community organisations for adaptive equipment and activities, which will broaden the local offer of community activities that Charlie is able to access e.g. specialist swimming sessions.</p>

Short Breaks case study – Christopher Critical

Christopher is 14 years old and lives with his grandparents. He is an albino and is totally blind. This means that he has no pigments in his skin. His hair is white and his eyes are very pink. He must not go out in the sun without complete sun block. He is of average intelligence and is very sociable. Christopher learned braille from a young age with support from a specialist teacher which has encouraged him to be independent. Christopher wants to take part in everything and he has little or no fear. If he is in a new situation he uses his hands to explore. He is becoming quite strong and determined and does not like to be told what to do. Because he cannot see things he wants to satisfy his curiosity by asking questions constantly. Sometimes Christopher can be seen rocking backwards and forwards and recently he has started throwing things when he has become confused and doesn't know what is happening. Christopher's grandparents are finding managing Christopher's needs increasingly difficult as he has become older and physically stronger.

Current Service	Future Service
<p>Christopher is not currently open to social care services. A family engagement worker at his school made a referral to JIGSAW (Children with Disabilities Team) but he is not eligible because he does not have a learning disability.</p> <p>Christopher is open to a number of health services and receives support for his education through a specialist teacher for visual impairment, however, this support is not coordinated.</p> <p>Christopher and his family can access the Buzz Network for non-assessed short breaks. They currently choose to receive the £400 a year direct payment which is used to pay for activities that Christopher enjoys, such as swimming and bowling. Because of Christopher's visual impairment, his grandparents are required to accompany him to these activities which means that they do not get a break from the caring responsibilities and it frustrates Christopher that he cannot do things without them.</p> <p>There are play schemes available under the buzz network, but these are for children and young people with learning disabilities and Christopher does not feel that he fits into these. He wants to be supported in the community to help him build his independence and ultimately enable him hang out with peers.</p>	<p>Christopher will be eligible to receive services through the JIGSAW (Children with Disabilities) team where he will receive a multi-agency approach to meeting his needs.</p> <p>A short breaks assessment will be carried out and if Christopher and his families qualify for short breaks, they will receive a nominal personal budget amount which can be used to give Christopher's grandparents short breaks from their caring responsibilities, whilst enabling Christopher to take part in meaningful and relevant social activities of his choice.</p> <p>A personal budget is a clear, upfront amount of money identified by the Local Authority that can be used to arrange short breaks. The amount depends on an assessment of individual needs and can be managed in a number of ways:</p> <ol style="list-style-type: none"> 1. Direct payment – Examples of how this can be used include; To employ a person who can care for Sally overnight, in the home or in the community, to pay for play scheme sessions or other activities and days out or to purchase specialist activities that enable improved access to activities in the community. 2. An arrangement whereby the LA holds the funds and arranges the support 3. Third party arrangements – where the money is paid to an individual or organisation to manage on the families behalf. 4. A combination of the above.



Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of the budget proposals and consider mitigating action.

Name or Brief Description of Proposal	Consultation on four areas for children with disabilities
Brief Service Profile (including number of customers)	
<p>At present Short Breaks for disabled children are delivered across two different levels;</p> <ul style="list-style-type: none"> • 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 as a result of having a disability - this level of short breaks is commonly referred to as "Non-assessed short breaks" or "The Buzz Network (for all families of a child or young person with disabilities) short breaks". <p>At present around 1250 children with disabilities and their families are registered on the Buzz Network and around half this figure actually access non assessed short breaks. A further 150 receive an assessed short breaks package through Jigsaw.</p> <p>Short Breaks provide a break for the carer and allows the child/ young person to have a positive break with peers to attend an activity, scheme or overnight respite service. Many families opt to take their short break offer as a direct payment, which allows them choice and control relating to when and how they receive this break.</p> <p>A recent review of services identified a number of areas needing improvement to ensure services are equitable for all children with disabilities. The current approach provides a high level of support to some families, but restricted or no support for many other children and their families, who may have similar</p>	

levels of need. The review also identified the need to change the way resources are allocated to ensure an appropriate level of support is provided to children and their families on the basis of need. The current eligibility criteria would not support changes in these areas.

The consultation proposals were:

1. To implement a new eligibility criteria to provide a clear, consistent and equitable means of determining access to disabled children's services, based around four levels of need: Low, Medium, Substantial and Critical.
2. To redesign the Southampton short break offer aligning this with the new eligibility criteria
3. To seek views on the future name of "Jigsaw"
4. To see views on the future name of the "Buzz Network"

The proposed eligibility criteria has four levels; low, medium, substantial and critical.

Low: The child has low level additional needs that parents are able to meet through universal services and a network of family and friends. Parents may require signposting to the SEND Local Offer for information, advice and guidance about the universal services available.

Medium: The child has additional needs where parents require support above what is available at universal level e.g. Special Education Information, Advice and Support, Benefits, carers rights and short breaks from caring through specialist play schemes and clubs, or enhanced/adapted mainstream provision.

Substantial: The child has a learning or physical disability that significantly impacts on a child or family's ability to function. The impairment, chronic health or life limiting condition have a substantial impact on the quality of the child and their family's life and child would be unable to achieve outcomes without support from targeted services, coordinated by a lead professional.

Critical / Complex: The child has Learning disabilities within the moderate, severe or profound range OR a severe physical (including visual and hearing), health condition or impairment which is life limiting, or significantly affects, or is predicted to affect, everyday life functioning or a child's access to education (e.g. in a wheelchair, has adapted living, requires total personal care support, requires communication aids) and their ability to achieve outcomes appropriate to their age related potential.

The funding for non-assessed (Buzz Network) short breaks initially was provided under the Aiming High for Disabled Children programme. This funding is now included in the overall funding envelope provided to the Local

Authority. The 2011 Short Breaks Regulations and Section 27 of the Children and Families Act 2014 require consideration by local authorities of whether services are 'sufficient' to meet the needs of families in their area including a duty to provide short breaks to children with disabilities.

In Southampton the Buzz Network budget is £480,000. This funding is used to deliver the following provision: direct payments, grant funded community activities, specialist playschemes and one to one outreach support.

The current budget for assessed Short Breaks is £935,000. This funding is used to deliver the following provision: specialist residential overnight services, outreach or support in the home and direct payments.

The changes proposed are intended to be cost neutral albeit distributed differently across the new eligibility levels. To enable proposals to be consulted on and plans to be developed and implemented following the consultation, the current contracting arrangements for the services have been extended to October 2018.

In October 2017 there were 1,249 children and young people registered on the Buzz Network aged between 0 and 19 years. The following provides some key information on age, ethnicity, gender and disability.

Age

Age Group	No. C&YP	% of total
0-4 years	251	20.0%
5-9 years	419	33.5%
10-14 years	376	30.1%
15-18 years	203	16.3%
Total	1249	

Gender

Gender	No. C&YP	% of total
Female	313	25.1%
Male	936	74.9%
Total	1249	

Ethnicity

Ethnicity	No. C&YP	% of total (known)
White British / Irish	644	79.7%
White Other	31	3.8%
Any Mixed Background	58	7.2%
Black African or Caribbean Background	18	2.2%
Asian Background	51	6.3%
Any other Ethnicity	6	0.7%
Unknown (not collected/provided)	441	
Total (known)	808	

Geography

The categories below are based on children's centre areas.

Area	No. C&YP	% of total
Bassett & Lordswood	26	2.1%
Bitterne Park	86	6.9%
Central	70	5.6%
Freemantle	49	3.9%
Lordshill	153	12.2%
MRM	150	12.0%
North Shirley	90	7.2%
Portswold & Bevois	61	4.9%
Sholing	85	6.8%
Swaythling	73	5.8%

Thornhill	107	8.6%
Townhill & Harefield	89	7.1%
Weston	59	4.7%
Woolston	98	7.8%
Outside Southampton	53	4.2%
Total	1249	

Disability

The table below shows the number and percentage of children and young people registered on the Buzz network by broad disability type. This is self-declared by the parent/carer when they sign their child up and they can include multiple disabilities (hence the total figures add up to more than the 1249 individual members).

Disability Type	No. C&YP	% of total
Autism	629	50.4%
Learning Disability	221	17.7%
Physical Disability	139	11.1%
Sensory Disability	76	6.1%
Challenging Behaviour	292	23.4%
Other	245	19.6%
Total Buzz Members	1249	

The proposal is to redesign the offer of short breaks around the 4 levels of need described in the eligibility criteria in order to provide a more equitable, consistent offer of short breaks which is based on need and better integrated with universal provision, particularly for families at the low and medium levels, as follows:

- **Low** – Children who have low levels of additional needs 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>

- **Medium** - Families not receiving an individual package of support via services at the substantial and critical level will have access to a Short Breaks card which offers easy access to a range of concessions or discounts negotiated across the city. This recognises that these children are able to access the majority of services available to all children.

Additionally, the Short Breaks Card will offer booking rights into subsidised activities, in and around Southampton. The short breaks programme will fund two main types of activities:

- Specialist Activities – run specifically for children and young people with moderate needs.
 - Support to attend mainstream activities, play schemes, clubs and groups.
- **Substantial** – Family’s needs who are assessed to be substantial will be supported through the relevant social care 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. This might include:
 - Access to commissioned services, specifically for those at the substantial or critical level, for example Individual support in the home or community (e.g. outreach)
 - Direct Payments - to purchase individual support in line with the personal budget and direct payment policy. Families may wish to use their direct payment to purchase subsidised services made available through the grant making process (for those at medium level). They may also be able to access the non-assessed short break activities at a subsidised rate, purchased through direct payments. Access to these services will be using funding within their package of support and **not in addition** to it. Access will also be dependent on capacity with priority given to those at the medium level.
 - **Critical / Complex** – Families open to the JIGSAW Children with Disabilities Team will have an assessment of needs and if eligible will receive an individualised package of support through a Personal Budget. This might include;
 - Access to commissioned services, specifically for those at the substantial or critical level, for example
 - Individual support in the home or community (e.g.

outreach)

- Family based overnight and day care (e.g. short break fostering)
- Residential overnight short breaks
- Direct Payments - to purchase individual support in line with the personal budget and direct payment policy. Families may wish to use their direct payment to purchase subsidised services made available through the grant making process (for those at medium level). They may also be able to access the non-assessed short break activities at a subsidised rate, purchased through direct payments. Access to these services will be using funding within their package of support and **not in addition** to it. Access will also be dependent on capacity with priority given to those at the medium level.

A period of engagement has already been undertaken with families to inform development of the proposals for a redesign of the short breaks offer and the eligibility criteria.

Finally with regard to Jigsaw (integrated health and social care team), the service will be broadened to include all children at the critical level of the new eligibility criteria. This will include children with severe physical and/or sensory impairment (hearing and visual impairment) needs without a learning disability who currently do not have access to Jigsaw. The service offer will remain unchanged; however we are consulting on the name of the service to ensure that it remains relevant to children and families.

Summary of Impact and Issues

Eligibility Criteria:

There will be a much clearer, consistent and equitable means of determining access to disabled children's services which is entirely based on need, as identified by the impact of the child's disability on their life and that of their families.

Short Breaks:

The offer will be redesigned in line with the proposed eligibility criteria to provide access to short breaks based on need. Some families will receive more short breaks (as described below under "positive impacts"); however some will see a reduction in service:

- One2One services and the option of a direct payment will end for all families whose needs are considered to be at the medium level (Buzz Network Families).
- Families who receive an assessed package at the critical level (JIGSAW) will no longer be entitled to have a non-assessed package as an addition to what they receive through the assessed route.

It is anticipated that overall around 650 children & young people will experience a reduction in the services they can access.

Jigsaw:

The eligibility criteria will be extended to include all families at the critical / complex level. This will mean that children with severe physical and/or sensory impairment (hearing or visual impairment) needs who do not have a learning disability will have access to the service. It is estimated that this will be around 30 additional families.

Potential Positive Impacts

The proposals seek to provide an offer of short breaks that is a fairer and more equitable needs led approach for all children with disabilities. This will provide a positive impact for all children and families currently not able to access services, or the appropriate services. For example an estimated 30 children will now be able to access services at a critical / complex level, 150 at the substantial level and around 850 will gain access at the medium level.

	Total estimated will be at this level	Estimates number receiving an enhanced services
Low	5,000	5,000
Medium	1,350	850
Substantial	150	150
Critical / Complex	285	30
Total	6,785	1,030 (not including those at the low level)

Responsible Service Manager	Sandra Jerrim, Senior commissioner, Integrated Commissioning Unit.
Date	09 March 2017
Approved by Senior Manager	Hilary Brooks,
Date	

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	<p>The Buzz Network service users are all aged between 0 and 19 years of age. 20% of children are aged 0-4 years, 34% are 5-9 years, 30% are 10-14 years and 16% are 15-18 years. Therefore there will be a larger impact on children aged 5-14 years.</p> <p>Removal of the One2One and direct payment option will mean that families at the medium level have less flexibility to purchase their own short breaks to suit their child's age related needs and preferences.</p>	<p>Through the grant funding process intended to supplement activities at the medium level, suitable checks can be incorporated to ensure services are available across all age groups and provide a range of activities which suit children of different ages.</p>
Disability	<p>There are a range of different disabilities. There is potentially a larger impact on those with autism as 50% of those who use the Buzz Network report this as one of their disabilities.</p> <p>Removal of the One2One and direct payment option will mean that families at the medium need level have less flexibility to purchase their own short breaks to suit their child's own disability related needs and preferences.</p> <p>There will however be increased access (positive impact) for those families with greater needs at the substantial level and for new cases able to access the critical level.</p>	<p>Decisions on grant funding for community providers and commissioned services at the medium level will take into account the need for a range of activities which suit children with different needs, particularly autism, as a result of disability.</p>
Gender Reassignment	No identified negative impacts.	N/A
Marriage and Civil Partnership	No identified negative impacts.	N/A
Pregnancy and Maternity	No identified negative impacts.	N/A
Race	17% of the current users of the Buzz Network are from non-white ethnic groups, rising to 20% for all groups	Having a wider range of community provision at the low and medium levels of need will

	<p>other than White British.</p> <p>Removal of the One2One and direct payment option means that some families at medium level will have less flexibility to purchase short breaks that meet their own individual needs and family circumstances.</p>	<p>provide more opportunities for some families to access services more appropriate to their own individual needs and circumstances. A key aim of the redesign at these levels is to ensure that short breaks are better integrated into local community provision as opposed to being separate, distinct disability provision. This will provide opportunities for better linking into particular communities, like BME.</p>
Religion or Belief	No identified negative impacts.	N/A
Sex	Buzz Network demographics show that 75% of service users are male , 25% female so there will be more of an effect on males.	While there are no currently identified negative impacts this will need to remain under review and can be covered in conditions set out when grants are awarded or services commissioned at the medium level of need.
Sexual Orientation	No identified negative impacts.	N/A
Community Safety	No identified negative impacts.	N/A
Poverty	<p>Families who have children with disabilities are more likely to be subject to financial pressures and poverty. Families with low incomes who experience a reduction in the services they receive may find it hard to adapt to the change.</p> <p>Families may be asked to pay a contribution towards the expanded range of community provision whereas the One2One support and option of a direct payment which they may be accessing</p>	<p>Families who experience a reduction in services will be considered for a review (at critical /substantial levels) or assessment (at medium level).</p> <p>Equity of access will ensure those with highest need have</p>

	<p>currently are both free to families.</p>	<p>access to the right services to support them, including those facing financial pressures.</p> <p>The Council will make it a condition of funding to community activity providers that they make provision within their grant application for a 'hardship' fund to enable children to access if their families are in financial difficulties.</p>
<p>Other Significant Impacts</p>	<p>Parents who work and use the short break time as child care, particularly during school holidays may need to find alternative child care arrangements. This can be particularly difficult for families of disabled children to find child care with suitable training and ability to support their child's individual needs.</p>	<p>Families and children will be able to request reviews if they feel the changes are having a negative impact. This will include a parent carer assessment to ensure the parent is supported to maintain their employment.</p> <p>We will ensure that there continue to be short break opportunities during holidays.</p> <p>We will work with the Early Years Team to ensure that families are able to access other child-care options such as the 2/3/4 year old funding and child minders who are well trained to support children with disabilities. The Early years Child Care Team</p>

		is able to provide information as to which child minders are specifically trained to support disabled children.
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Agenda Item 8

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	PLANNING ENFORCEMENT - UPDATE		
DATE OF DECISION:	12 APRIL 2018		
REPORT OF:	SERVICE DIRECTOR - LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
In December 2017 the Overview and Scrutiny Management Committee (OSMC) considered a report on Planning Enforcement at the Council. The Chair has requested that an update is provided at the April 2018 meeting of the Committee.			
RECOMMENDATIONS:			
	(i)	That the Committee considers the developments relating to Planning Enforcement since the issue was discussed in December 2017.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	At the request of the Chair of the Committee.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	At the 14 December 2017 meeting of the Committee the issue of Planning Enforcement was considered. Attached as Appendix 3 are the recommendations that were made by the OSMC at the meeting.		
4.	The Leader and the Service Director have been invited to the meeting to update the Committee on developments relating to Planning Enforcement since the December 2017 meeting.		
RESOURCE IMPLICATIONS			
<u>Capital/Revenue</u>			
5.	None.		
<u>Property/Other</u>			
6.	None.		
LEGAL IMPLICATIONS			
<u>Statutory power to undertake proposals in the report:</u>			

7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.	
Other Legal Implications:		
8.	None	
RISK MANAGEMENT IMPLICATIONS		
9.	None.	
POLICY FRAMEWORK IMPLICATIONS		
10.	None	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Report to December OSMC – Planning Enforcement	
2.	SCC Planning Enforcement Policy	
3.	Planning Enforcement – OSMC recommendations	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

Agenda Item 8

Appendix 1

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	PLANNING ENFORCEMENT		
DATE OF DECISION:	14 DECEMBER 2017		
REPORT OF:	SERVICE LEAD: INFRASTRUCTURE, PLANNING & DEVELOPMENT		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Sam Fox	Tel: 023 802044
	E-mail:	Samuel.Fox@southampton.gov.uk	
Director	Name:	Mike Harris	Tel: 023 802882
	E-mail:	Mike.Harris@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
This report sets out the approach to planning enforcement, including national guidance, how it is undertaken locally within Southampton, and some of the issues that are currently topical. It includes details of caseload and the Southampton City Council Enforcement Policy.	
RECOMMENDATIONS:	
(i)	To consider and note the contents of the report.
(ii)	To note and support the external review of Southampton City Council planning enforcement procedures.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To respond to a request from the Chair of Overview and Scrutiny
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	No alternatives have been considered.
DETAIL (Including consultation carried out)	
Legislative Background	
3.	The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
4.	The NPPF sets out a presumption in favour of sustainable development. Para 187 states that " <i>Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro-actively with applicants to secure developments that improve the economic, social and environmental conditions of the area</i> ".

5.	<p>Paragraph 207 states that: <i>Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.</i></p>	
6.	<p>Not all building work requires a planning permission and not all unauthorised development is a criminal offence and therefore cannot be treated as one (unless the property is a listed building). Permitted development does allow some specified building works and changes of use to proceed without the need to submit an application for planning permission. We can take enforcement action to get them to put things back to how they were if need be or more often than not, we can request that the owner of an unauthorised development submits a retrospective application to obtain approval.</p>	
7.	<p>Where breaches of planning control are identified it is normal practice to invite the person responsible for the breach to remedy it by either removing it or regularising it with a planning application. It is important in doing this to balance the needs of the applicant, working pro-actively with them as required by the NPPF, at the same time as ensuring that the development is not harmful to neighbours and the wider population. This is often a difficult balance to achieve, and requires planning enforcement to mediate between different parties with different opinions of whether the development is acceptable and/or harmful.</p>	
8.	<p>Where there are breaches of planning control, which are deemed to be harmful and in need of remedy, those responsible are given an opportunity to remedy the breach voluntarily. If this does not lead to resolution of the issue then there are a series of formal actions that can be taken, using the powers in the Town and Country Planning Act.</p>	
9.	<p>These powers include the following:</p>	
	<p>Planning Contravention Notice</p>	<p>Used to formally establish the exact nature of the breach.</p>
	<p>Enforcement Notice</p>	<p>Served on those parties with an interest in the land, requiring the unauthorised development to either be removed or the unauthorised use to cease.</p>
	<p>Stop Notice</p>	<p>Used alongside an Enforcement Notice to require immediately the unauthorised use or development. Only used in exceptional circumstances to stop an immediate threat of harm.</p>
	<p>Breach of Condition Notice</p>	<p>Used to enforce the requirements of a condition attached to an existing planning permission.</p>

	Section 215 Notice	Used to require the tidying up of land/buildings			
	Injunction	Secured through the Courts, requiring an unauthorised use to cease. Only used in exceptional circumstances.			
Enforcement Policy					
10.	<p>In accordance with the NPPF, the City Council has published an enforcement policy (see Appendix 1). This provides the framework for a robust planning enforcement service within Southampton city, and sets out the following:</p> <ul style="list-style-type: none"> • The purpose of planning enforcement • What is, and is not, a breach of planning control • How the council decides whether to take enforcement action and possible outcomes. • How the planning enforcement team will deliver the service • Clarification on how the Council prioritises complaints and timescales. • What happens if someone complains about you • Customer care 				
11.	The Council uses this policy as a basis for dealing with enforcement cases.				
Enforcement Cases					
12.	The enforcement team have received and investigated the following number of cases over the last 5 years.				
	Total cases	Enforcement Notices	Stop Notices	Breach of Condition Notices	Section 215 Notices
2013	376	13	0	6	1
2014	363	17	0	8	4
2015	345	10	0	7	2
2016	357	13	0	4	1
2017 (to end November)	289	14	0	6	3
13.	The number of opened cases do not reflect the number of enforcement enquiries/complaints received, the numbers are higher for each year. There are several complaints/enquiries received where the matter is dealt with without the need to open a case, this is mainly due to there not being a breach or records held to demonstrate that no action is necessary etc.				
Enforcement Team					
14.	The Enforcement Team is within the Infrastructure, Planning and Development service and has three members of staff. Karl Collymore is the Enforcement Supervisor and Gavin Grayer and Helen Sharp are Enforcement Officers.				

15.	The team work closely with the legal team, planning officers and other specialist advisors such as the arboriculture team, licensing, building control and environmental health. They also work closely with external agencies on multi-agency enforcement initiatives.
16.	The Service Lead has ensured that the team has maintained its full complement of staff during recent restructures, despite the need for the service to make financial savings.
	Current Issues
17.	<u>Difficulty in taking action:</u> Sometimes the Council is asked to take enforcement action against issues that are not breaches of planning control but may be able to be enforced against using different legislation (such as building regulation or statutory noise nuisance). Similarly they may be civic matters which the Council has no jurisdiction over. These can include land ownership and covenants.
18.	<u>Expediency:</u> Often there are cases, especially involving neighbour disputes, where there may be a technical breach of planning control (such as the height of a boundary wall or fence) but the harm being caused by it means that it is not expedient to take formal action to have it remedied. If formal action is taken in such cases then the Council can be at risk of maladministration. However, by not taking action this can lead to reputational risk. Expediency is not a matter that is well understood by the public. It is covered in the Council's Enforcement Policy.
19.	<u>Delays in taking action:</u> The planning system does not allow the Council to take immediate enforcement action to rectify breaches of planning control. There is a requirement to give those responsible for a breach to have the opportunity to rectify the breach voluntarily, either by undertaking works to make the development or use acceptable, or to bring it within permitted development rights. This can take considerable time. Keeping concerned neighbours and residents associated up to date with what can seem to them like a lack of action is a known source of frustration.
20.	It is also not normally reasonable to take formal enforcement action while a planning application or Lawful Development Certificate is being determined. Furthermore, it can also take significant time to gather evidence to prove whether or not there is a breach. This is particularly the case when investigating houses in multiple occupation.
21.	When formal enforcement action is taken there is also a requirement for a period (normally no less than 28 days) of time from when the notice is served before it comes into effect. There is also a need for formal notices to specify a reasonable time period for the breach to be remedied. It is also not uncommon for those responsible to exercise their right of appeal against an enforcement notice simply to get themselves extra time. Whilst this is frustrating, and demonstrates that the tools in the enforcement toolkit are not timely, it is legitimate. These are all matters that can frustrate both the Council and other interested parties and claims that enforcement is being ineffective.
22.	<u>Lawful Development Certificates:</u> Where a landowner believes that there is sufficient evidence to demonstrate that the development is lawful, either due to it being within permitted development, or due to the passage of time, then an application for a Lawful Development Certificate can be made. These are

	not, and cannot be, subject to the same assessment of material planning considerations and the policies within the Development Plan. They are simply an analysis of whether or not the development or the use is lawful. Again these are the subject of dissatisfaction for affected parties.
23.	<u>Powers to decline to determine planning applications:</u> The council has the power to decline to determine planning applications in certain circumstances as set out in Section 70A, 70B and 70C of the Town and Country Planning Act 1990 as amended by Section 123 of the Localism Act 2011.
24.	This is a discretionary power and not a duty which must be complied with, and a power which must be employed sensibly, rationally and proportionally. There is no right of appeal, which means the Council's decision can only be challenged by way of judicial review. Taking such a decision doesn't prevent subsequent applications from being made.
25.	The powers cover three categories of events, which could almost be described as "before, during or after", a precis of which is set out below.
26.	<u>Power to decline to determine subsequent application</u> The Council may decline to determine a planning application if the council think that there has been no significant change in the relevant development plan policies or other material considerations AND
27.	<ul style="list-style-type: none"> I. The SoS has refused a similar called-in application in the last two years; or II. The SoS has dismissed an appeal against the refusal of a similar application in the last two years; or III. The council has refused more than one similar applications in the last two years and there has been no appeal; or IV. The SoS has refused a similar application deemed to have been made as part of an appeal against an enforcement notice in the last two years.
28.	An application is similar to another application if the council thinks the development and the land to which the application relate are the same or substantially the same.
29.	<u>Power to decline to determine overlapping application</u> The Council may decline to determine a planning application, which
30.	<ul style="list-style-type: none"> I. Is made on the same day as a similar application, or II. Is made during the determination period of a similar application; or III. Is made at a time when a similar application is yet to be decided on appeal by the SoS; or IV. Is made during the appeal period for a similar application that has been granted, refused or not determined by the council; or V. Is made at a time when the SoS is yet to decide a similar application or one deemed to have been made as part of an appeal against an enforcement notice.
31.	<u>Power to decline to determine retrospective application</u> The Council may decline to determine a planning application for development which is the subject of a pre-existing enforcement notice.
32.	There has been criticism that the Council has had opportunities to decline to determine a limited number of planning applications using these powers. The

	Council's planning solicitor has provided a briefing note for planning officers so they are aware of these powers. The Service Manager will now pro-actively monitor such applications during the registration process with a view to thoroughly assessing new applications against these power in the future.
33.	<p><u>Enforcing on High Profile Sites:</u></p> <p>Sometimes there are high profile development sites, where there is an exceptionally high level of public interest and scrutiny. Despite the enforcement team, and other officers from the Council, building effective working relations with site owners, operators and contractors, these sites can lead to huge peaks in demand for the enforcement team to monitor and enforce these sites. These can lead to officers attending site visits and meetings multiple times a day (and night), and responding to high levels of correspondence. Sometimes on these sites, despite the high level of public interest, and intense involvement of the Enforcement team, there is not established evidence of breaches of planning control.</p>
	Review of Planning Enforcement Policy & Procedures
34.	Because of the ongoing level of interest in enforcement, and the difficulties of enforcing effectively with the legislation, the Service lead for Infrastructure, Planning and Development has commissioned an independent external enforcement expert to undertake a review of the Enforcement Policy and of the procedures used by the team.
35.	If this review identifies a need to update the Policy, or amend procedures, these recommendations will be considered and implemented where necessary.
	Other Matters
36.	There has been recent concern raised regarding planning decisions made under delegated powers despite the requisite number of objections and Councillor's objection which would trigger the application being determined by the Planning and Rights of Way Panel. Officers were made aware of one decision that residents and members felt had been made under delegated powers, when they felt the case should have been referred to Panel. The case did not receive the required number of resident objections to trigger referral to panel, but a Ward Councillor had submitted an email requesting referral to panel. Unfortunately the email address used was not the correct email address set out in the approval process, and subsequently the case officer did not receive the objection. The application was subsequently approved under delegated powers. The Service Director considered the situation, and having taken legal advice concluded that the decision should stand. Officers are not aware of any other decisions that members or residents feel have been taken at an inappropriate level. The referral process for members is carefully laid out in order to avoid such confusion.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
37.	There are no implications arising from this report
<u>Property/Other</u>	
38.	No implications as a result of this report.

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
39.	Town and Country Planning Act 1990 alongside other primary and secondary legislations.
<u>Other Legal Implications:</u>	
40.	None
RISK MANAGEMENT IMPLICATIONS	
41.	Effective management of the Development Control process is important to protect the Council's reputation, to guard against challenges on decisions made and to support implementation of development projects.
POLICY FRAMEWORK IMPLICATIONS	
42.	The Council's strategic priorities include 'Strong and Sustainable Economic Growth' and 'Being an Attractive Modern City', both of which the Development Control process can make a significant contribution to.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Southampton City Council Planning Enforcement Policy

Documents In Members' Rooms

1.	none
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No

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Planning Enforcement Policy for Southampton City Council

Version 2 (May 2014)

1.0 Introduction

1.1 This policy statement on Southampton City Council's ("the Council") Planning Enforcement Service describes what the service does and how we deliver the service to the community. It is not a legal document and does not seek to provide legal advice or to comment on individual cases, which will be judged on their individual circumstances.

1.2 The policy sets out:-

- The purpose of planning enforcement (section 2)
- What is, and is not, a breach of planning control (section 3)
- How the Council decides whether to take enforcement action and possible outcomes (section 4)
- How the planning enforcement team will deliver the service (section 5)
- Clarification on how the Council prioritises complaints and timescales (section 6)
- What happens if someone complains about you (section 7)
- Customer care (section 8)

1.3 It is important to remember that planning consent may not be the only consent required from the City Council. For example, Building Regulations approval, alcohol licence etc. may be required in addition to planning consent. This policy only covers matters relating to planning control. Property owners should satisfy themselves that all other necessary consents needed are in place to carry out the work or activity they are contemplating. Securing such consents can be a time consuming process and persons are encouraged to engage with the relevant regulatory bodies at the earliest opportunity to avoid frustrating delays at a later date.

1.4 Enforcement decisions and actions are taken in accordance with Government guidelines and Council Policy. The Department for Business Innovation & Skills published the Regulators Code in April 2014 and it sets out some principles for regulators when preparing enforcement policies:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

This policy endorses all of these principles.

1.5 The ability to take enforcement action is currently delegated to the Planning & Development Manager under section 3.6.2 of the Officer Scheme of Delegation under the Council Constitution.

1.6 The Council has powers of enforcement in relation to other services, such as highways, environmental health, listed buildings, conservation and trees. These services are co-ordinated so that investigations are carried out under the appropriate legislation, but the Council seeks to ensure that any action taken is co-ordinated so that only one point of contact is required, wherever possible.

1.7 Co-operation with other external bodies (for example the Fire, Police Services and the Environment Agency) are an integral part of enforcement and these working relationships will continue to be developed in the future in order to make the most effective use of available resources and to ensure one point of contact, if possible.

2.0 The purpose of planning enforcement

2.1 The integrity of the planning service depends on the Council taking timely and effective enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service and it is understood that public perception of the planning system can be undermined when unacceptable development is allowed to proceed, or to remain, without any apparent attempt by the Council to intervene. Even when development is considered to be acceptable, the Council has a role in explaining to the public why the development is considered to be appropriate and to encourage a planning application to be submitted so it can be fully assessed, public comments considered, and appropriate conditions attached, if necessary.

2.2 The Council realises that whether something requires planning permission is not always clear, particularly to members of the public, and so a free duty planning officer service is available for advice, via the Gateway service. If a definitive answer is required, then an applicant can submit a certificate of proposed lawful development to gain a legal decision from the Council. The Council also offers a paid-for pre-application advice service to improve the quality of an application for planning permission.

3.0 What is, and is not, a breach of planning control?

3.1 Whether something requires planning permission is not straightforward and while there are some fairly obvious breaches, such as building a new house without planning permission, many others are more difficult to define or less well known. For example:

- Works to a listed building
- Works to trees protected by a tree preservation order
- Stationing of a caravan or mobile home for use as a primary place of residence
- Breach of conditions attached to planning consents
- If someone does not build in accordance with the approved plans of their planning permission
- Failure to properly maintain land so that it affects the amenity of the area
- Unauthorised engineering works – even raising ground levels in the garden can require planning permission

- Failure to comply with terms within a Town and Country Planning Act 1990 Section 106 agreement
- The unauthorised display of advertisements

What is not a breach of planning control:

3.2 Many issues can require consent to be given by a landowner or a third party but do not require planning permission. Unfortunately, the Council is not able to get involved in issues that are between two private parties, as these are considered to be civil matters. Other matters may be of genuine concern, and may be covered by other legislation, but are not issues that the Council as Local Planning Authority can get involved with. Some of these are:

- Internal works to a non-listed building (Building Regulations may be required)
- Competition from another business
- Obstruction of a highway or public right of way (the police or highways authority may be able to get involved)
- Parking a caravan within the residential boundary of a property provided that its use is ancillary to the dwelling
- Clearing of land of overgrowth, bushes and trees (provided they are not subject to a Tree Preservation Order or owned by the Council)
- Operating a business from home where the residential use remains the primary use
- Boundary disputes – disputes about ownership are a private matter and cannot be controlled under planning legislation
- Deeds and covenants are a private matter between the signatories to the documents
- Insertion of windows in houses or bungalows - once a building has been occupied windows can normally be inserted into existing walls provided that there is not a planning condition to prevent the insertion of additional windows (check the original planning consent via a Gateway file request)
- Where development is 'permitted development' under the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

4.0 How the Council decides whether to take enforcement action and possible outcomes

4.1 Where significant harm to amenity can clearly be demonstrated, then the Council will usually contact the person causing the breach to talk about the problem they have created. This will often result in a planning application being submitted or, where something is considered to be unacceptable, there will be a discussion about removing it. Only if the person causing the breach refuses to talk to the Council, or to resolve an unacceptable matter, will the Council take enforcement action.

4.2 Enforcement action is, however, discretionary. The Council has discretion as to whether to take enforcement action or not, and it is not a mandatory duty so to do. **Because something is a breach of planning control this is not, in itself, reason to take enforcement action.** Even when it is technically possible to take action, the Council is required to decide if such formal action would be “**expedient**” in the public interest. There needs to be harm actually being caused that is of sufficient detriment to warrant action being taken.

4.3 A breach of planning control is not normally a criminal offence in the first instance. Even if the Council is aware that someone is going to carry out works that require planning permission, it does not follow that it will be stopped. There would have to be considerable harm for the Council to seek an injunction to stop an

unauthorised development taking place. It is recognised that this can be very frustrating for complainants, but the Council must operate within the legislative framework as laid down. The Council reserves the right to take into account what benefits someone has created through carrying out unauthorised development. Any breach of the requirements of a formal Notice will constitute a criminal offence. Should this happen, the Council has the ability to seek to recover profits made either under the Town & Country Planning Act 1990 and/or under the Proceeds of Crime Act 2002 and will consider such an application to the courts for deliberate breaches.

4.4 The Council starts from a position of trying to resolve all breaches of the planning system through dialogue and normally formal action is a last resort. The Council is usually expected to give those responsible the chance to put matters right before serving a formal notice. However, when the breach of planning control is causing unacceptable serious harm or nuisance to public amenity, formal action will not be delayed by protracted negotiation or attempts to delay the process. Enforcement action will therefore always be commensurate with the seriousness of the breach of planning control.

4.5 It follows that any enquiry can result in many different outcomes, from the Council concluding that there is no breach of planning control, through to serving an injunction to stop a breach with immediate effect. Some possible options are summarised below, but if you make an enquiry, whatever the outcome, you will be fully advised about what the Council is doing and why.

- No breach established - after a site visit there is found to be no breach of planning control: for example the development is permitted development or is not within the control of planning legislation. No further action will be taken and all parties will be advised.
- There is a breach but it is not considered to be expedient to pursue the matter. If a 'technical' breach has taken place, for example a new garden fence has been erected that is only marginally over permitted development limits, then it is not normally worthwhile taking lengthy and expensive enforcement action over something that causes minimal public harm. The owner would normally be advised to submit a planning application to regularise the development but if they do not do so the case would be closed and the complainant advised. It is usually in the best interests of the property owner to regularise the problem, or they may run into problems when the property is sold.
- There is a breach and part of it is considered to be harmful. The Council may "under enforce" by serving a notice to secure a remedy to the most harmful part of the development, whilst leaving the lesser parts of the development untouched. For example, most garden fences can be 2m in height and it may be erected to 2.1m for the length and then one panel perhaps goes to 3m next to a neighbour's window. The Council may seek the removal of the 3m panel, but not to reduce the rest of the fence by 0.1m.
- There is a breach but it is 'immune' from action. It is possible that there has been a breach of planning control for some time but the Council has not been aware of it. If the building was substantially completed more than 4 years before, or a use commenced 10 years before, then the development can be considered to be immune from enforcement action. There are many caveats to these rules (for example, the period for residential use of a building is 4 years) and so more information will be required. The landowner would normally be advised to apply for a Certificate of Lawful Development to prove its immunity.

- If negotiation does not secure compliance with what the Council considers to be an acceptable solution, then it has the power to take formal action against any breach. The nature of the breach will dictate which route the Council chooses to pursue. Depending upon what action is taken, the person responsible may get a criminal record. The Council will make it clear in correspondence (to the property owner or the person in control of the land) what options are open to them to remedy the breach of planning control, and the timescales within which to carry those out.

4.6 The Council is very keen to promote businesses in the city to ensure a healthy economy, which is seen as a central part of delivering sustainable communities. With this in mind, the Government has considerable concern that small businesses in particular should not be unduly jeopardised by hasty enforcement action. Therefore, the Council will always seek to ensure there is a good dialogue with a business that has carried out development without planning permission and, if a solution cannot be found, then consideration will be given to ensure any action that is taken is carried out to minimise the impact on the business if reasonable and possible. This may result in longer compliance periods being given to regularise development. However, this desire to work with businesses will not be at the expense of tolerating any unacceptable impact on neighbours. The Council will have to weigh up and balance the impact on the business and the harm caused to others.

Types of formal action

4.7 The Council has a range of formal powers under the Town and Country Planning Act, 1990 (as amended) that it can use to remedy breaches of planning control.

- Planning Contravention Notice – this requires persons to provide information in respect of the development and/or activities taking place on the land. These notices are often served as a first step, to gain information from the person carrying out the development and/or activity, before determining whether it is expedient to serve other formal enforcement notices
- Breach of Condition Notice – planning permission is usually granted with conditions and this Notice is served to require compliance with conditions. There is no right of appeal against this type of notice so it can be very quick at resolving problems.
- Enforcement Notice – this is the most frequently used formal notice and sets out steps required to remedy the breach. This notice can also be served in conjunction with a Stop Notice (see below). There is a right of appeal to the Planning Inspectorate against an Enforcement Notice, which can lengthen the process, and the notice will not take effect until the appeal has been determined. The period set for compliance with the Notice commences from the date of the appeal decision letter.
- Stop Notice / Temporary Stop Notice – these notices require unauthorised activities to cease either at three days notice or immediately.
- Section 215 Notice – provides the power to secure the proper maintenance of land and buildings where there is an adverse effect on the amenity of the area.
- Injunction - this may be obtained either from the High Court or the County Court and is usually served to take effect at short notice and can be served in anticipation of a breach that will occur, but the harm must be considerable to

warrant such a step. Failure to comply with a Court Order may lead to imprisonment

- Prosecution – should any of the above notices not be complied with by the required date for compliance, then usually the first step in seeking compliance is to formally write reminding them of their responsibility to comply with the Notice. Failure to act on such correspondence will normally lead to prosecution. Fines are within the bracket of ‘up to £20,000’, but this limit can be lifted and sometimes urgent action will be taken.
- Direct Action – in extreme circumstances the Council can enter the land and carry out the required works itself and then place a charge on the land for the re-payment of costs incurred. The council may then seek re-payment of those cost and, if not paid, convert the Charge on the property to a Charging Order and potentially an Order for Sale

5.0 How the planning enforcement team will deliver the service:

5.1 The Planning Enforcement Service will:

- Investigate all alleged breaches of planning control which are reported in writing, by e-mail or by telephone, and where sufficient information is given to identify the site, i.e. an exact address and details of what harm (if any) is being caused as a result of the breach. Complainants should leave their details so we can keep them informed and check information with them.
- The Council reserves the right not to investigate anonymous complaints, especially if they are considered to be vexatious or when workloads are high, as such complaints are more difficult to follow up.
- Complainants details are treated confidentially and the Council will always seek to protect the identity of those making complaints but, in rare circumstances, the Council may be required to divulge details (usually through legal action). We will advise anyone of this before it happens and it is extremely rare. If you are concerned about your details being used, then try contacting a local residents group or Ward Councillor, as they may be prepared to make the complaint on your behalf.
- We will promptly register every case and acknowledge receipt within 5 working days. You will be given the name of the Enforcement Officer dealing with your complaint so you know whom to contact. We will then carry out some initial checks (usually including a site visit) and ensure the complainant is updated by phone, email, visit, or formally in correspondence within a further 5 working days of our initial findings, and be given the opportunity to comment on our initial findings.
- When cases take a long time i.e. on-going monitoring is required, we will ensure complainants are updated at least every 3 weeks, unless other timescales are agreed on an individual case.
- It is important to remember that often the success of a case relies on the complainant working with the Council to provide details of the breach, to give evidence where possible, and potentially to act as a witness. The Council will discuss this with you if it is required, and any refusal to be more involved than you are comfortable with will not stop the investigation of a case (unless evidence cannot be gathered as a result).

6.0 Clarification on how the Council prioritises complaints and timescales

6.1 It would be inappropriate to investigate and pursue all allegations with equal priority and intensity. Therefore each case is prioritised according to the seriousness of the alleged breach. This priority is decided by officers, and subsequently reviewed after an initial site visit. The scale of priorities (and this is not an exhaustive list of examples) is shown below:

1. Serious threat to health and/or safety. Permanent serious damage to the environment or amenity

Serious traffic hazard; contamination / pollution being created;
Loss of protected tree; works affecting the preservation or character of a Listed Building; certain types of demolition in a Conservation Area.
These are usually visited within 24 hours of the case being reported.

2. Less immediate but harmful with potential to escalate

Building works just commenced without permission; severe nuisance being created (noise, smells, congestion etc where there is also a breach of planning control). Non compliance with certain planning conditions (particularly pre commencement conditions).
These are usually visited within 48 hours.

3. Other breaches likely to remain stable

Development that has not been completed in full accordance with the approved plans, particulars or undertakings; an untidy site; non-compliance with other planning conditions.
These are usually visited within 5 working days, unless workloads are high and then they can take longer.

4 Other issues

Satellite dishes; unauthorised display of adverts; new fences (adverts and fences may go up in priority if there are highway safety issue).
These are usually visited within 10 working days, unless workloads are high and then they can take longer.

7 What happens if someone complains about you?

7.1 If you are contacted about an alleged breach of planning control, you are entitled to know what the allegation is (but not who made it) and to have the opportunity to explain your side of the case. We are aware that sometimes people make complaints due to neighbour disputes, and so we do not just believe an enquiry but will always seek to work with you to understand the facts of the case.

7.2 Initially a member within the Enforcement Team will visit the site. Due to time constraints, this is usually without any prior warning to the owner or any tenants / employees at the site. Officers are authorised to visit a site to investigate and will show identification when they arrive. Enforcement officers also have powers to obtain a warrant of entry where access is refused or refusal is anticipated. Wilful obstruction of a person exercising a right of entry is an offence so you should always seek to work with the Enforcement Officer. However, we are required to give 24 hours notice to insist on entry to a residential property but if you are happy to allow us access then we will usually take up that offer.

7.3 If the allegation refers to land or buildings in which you have no interest or involvement no action will be taken against you. If you are involved, the Planning Enforcement Service will advise you of the details of the breach and how it can be rectified. You may be served with a Planning Contravention Notice, which requires information concerning the alleged development. This notice is used to establish the facts of what has occurred and the details of those with an interest in the land, so that the Council can determine whether a breach has taken place and who is responsible. It is a criminal offence not to complete and return such a notice within the specified timescale.

7.4 In the event of a breach being established, your co-operation will be sought to correct the breach, either by removing or modifying the unauthorised development, or by ceasing the unauthorised use or activity prohibited by a planning condition. A reasonable period of time, which will depend on the nature of the breach, will be allowed for you to do this.

7.5 In some circumstances you may be invited to submit a retrospective planning application or, other appropriate application if it is considered that consent may be granted, or an application for a Certificate of Lawfulness of Use or Development, where it can be shown that the breach is immune from enforcement action and therefore lawful.

7.6 If compliance is not secured through negotiations or the relevant retrospective application / Certificate of Lawfulness is refused, formal action may be instigated (see types of formal action above).

8 Customer care

8.1 The City Council is committed to offering a fair and transparent enforcement service to the community of Southampton.

8.2 Planning enforcement is a complicated area of law and care must be taken to arrive at a correct and appropriate course of action related to alleged breaches of planning control.

8.3 In exercising this policy, the City Council will offer all of its customers, whether they are complainants or those who may be in breach of relevant controls, adequate opportunities to fully state their case, to ensure that the correct decisions are taken to safeguard the built and natural environment of Southampton.

8.4 If persons are aggrieved with the Planning Enforcement Service offered to them, there is a complaints procedure, where complaints can be investigated. Stage One complaints will usually be investigated by the relevant Manager, and Stage Two complaints are handled by the Corporate complaints team. More details are available on the Council website.

8.5 If both stages of the procedure have been exhausted and a customer is still not satisfied, the matter can be investigated by the Local Government Ombudsman. They will make an independent investigation of whether maladministration has occurred by the City Council and if it has, recommend what remedy ought to take place. This may include the payment of compensation.

Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 11 January 2017

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
14/12/17	Leader's	Planning Enforcement	1) That opportunities are identified to make it easier for members of the public to access the planning use class of residential properties in Southampton.	This will be included in the service improvement plan.	An update on progress will be given at the meeting.
			2) That the Council employs a more robust use of warning letters, especially relating to Section 215 notices, and seeks to reduce the timescales for issuing formal warnings.	Enforcement team will take a more robust approach in moving towards issuing 215 notices.	
			3) That, recognising the importance of the Planning Service to the economic performance of the city and the Council's sustainability, the Executive prioritises the Planning Service, and improving the customer experience, when considering the next stages of the Council's transformation programme / digital journey.	The changes identified in the improvement plan will be considered alongside other calls on the Transformation and Digital resources.	
			4) That, reflecting the recommendation above, steps are taken to improve access to information on current planning applications for councillors and members of the public as soon as possible.	This will be included in the service improvement plan.	
			5) That the Committee are provided with Planning metrics that outline: <ul style="list-style-type: none"> • The current operational performance of the Planning Service against key indicators; • The performance of the IT system employed by Planning. 	The committee will be provided with the information at the end of February 2018.	

Page 99

Appendix 3

Agenda Item 8

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
			It is recommended that this information is also considered by the Council's Senior Management Team.		
			6) That Planning Enforcement returns to the OSMC agenda in approximately 6 months' time to consider the findings from the review of planning enforcement procedures and the associated improvement plan.	To be scheduled into the programme.	

Agenda Item 9

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE		
DATE OF DECISION:	12 APRIL 2018		
REPORT OF:	SERVICE DIRECTOR - LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.			
RECOMMENDATIONS:			
	(i)	That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee. It also contains summaries of any action taken by Cabinet Members in response to the recommendations.		
4.	The progress status for each recommendation is indicated and if the Overview and Scrutiny Management Committee confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the Overview and Scrutiny Management Committee.		

RESOURCE IMPLICATIONS		
<u>Capital/Revenue</u>		
5.	None.	
<u>Property/Other</u>		
6.	None.	
LEGAL IMPLICATIONS		
<u>Statutory power to undertake proposals in the report:</u>		
7.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.	
<u>Other Legal Implications:</u>		
8.	None	
RISK MANAGEMENT IMPLICATIONS		
9.	None.	
POLICY FRAMEWORK IMPLICATIONS		
10.	None	
KEY DECISION		No
WARDS/COMMUNITIES AFFECTED:		None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Monitoring Scrutiny Recommendations – 12 April 2018	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.		No
Data Protection Impact Assessment		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		No
Other Background Documents		
Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 12 April 2018

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
11/01/18	Health and Community Safety	Safe City Partnership Annual Review	<p>1) That the Committee are provided with the following information from 2010 to 2017:</p> <ul style="list-style-type: none"> The number of police officers in Southampton The police recorded crime rate in Southampton per 1,000 population. 	<p>Hampshire Constabulary are in the process of collating the number of police officers in Southampton. It will be circulated to the Committee when available.</p> <p>Total crime rate per 1000 population in Southampton:</p> <p>2010/11 – 117 2011/12 – 112.1 2012/13 – 91.5 2013/14 – 89 2014/15 – 95.1 2015/16 – 109.2 2016/17 – 121.5</p>	
15/03/18	Leader's	Kentish Road - Update	<p>1) That officers provide the Chair of OSMC with the details of who to contact at the CQC in order that a letter of support for the Kentish Road submission can be sent.</p> <p>2) That the Leader lobby's the CQC to shorten the registration process to speed up the opening timeline.</p> <p>3) That, when determining the principle and process for disposal of the site to a local community or voluntary organisation, the Council stipulates that the provision on site must include respite care for people living with a learning disability.</p> <p>4) That the Council formally states that service users who previously used the respite centre at Kentish Road, and who want to</p>	<p>Details provided to the Chair</p> <p>Letter sent by the Leader to the Chief Inspector of Adult Social Care at the CQC on 20 March 2018</p> <p>This will be responded to within the 17 April 2018 Cabinet report on Kentish Road that is to be published on 9 April 2018.</p> <p>This will be responded to within the 17 April 2018 Cabinet report on Kentish</p>	

Page 103

Appendix 1

Agenda Item 9

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
Page 104			return to the centre, are able to access the new respite service when it opens.	Road that is to be published on 9 April 2018.	
			5) That, when the Council re-opens the centre at Kentish Road, the respite service is accessible for 24 hours a day 7 days a week, rather than the proposed weekend only opening.	It is proposed that the respite centre will reopen at weekends only (Friday afternoon to Monday morning) in order to complement other respite services at times of greatest demand; to ensure that the required number of staff can be recruited and trained to re-open the service as quickly as possible; to support a smooth transition to the proposed longer term arrangements; and to help avoid any liabilities for the incoming charity or voluntary-sector provider.	
			6) That, when the Council transfers the site to a local charity or voluntary organisation a peppercorn rent is charged by the Council.	This will be responded to within the 17 April 2018 Cabinet report on Kentish Road that is to be published on 9 April 2018.	