

DERBYSHIRE COUNTY COUNCIL

CABINET

5th August 2014

Report of the Strategic Director for Children & Younger Adults

THE AIMING HIGH DERBYSHIRE OFFER – (Children and Young People)

1. Purpose of the Report

- 1.1 To propose potential savings to the Aiming High Derbyshire Offer budget; how these can be achieved in a way that supports the personalisation agenda, the changes that this will require, and how the impact on children and young people and their families will be managed.
- 1.2 To seek Cabinet agreement to consult on recommendations for the future delivery of the Aiming High Offer.

2. Information and Analysis

2.1 Background and Context

Local Authorities across the country are facing unprecedented financial challenges, which for Derbyshire represents a cut to its budget of £157 million between 2013-14 and 2017-18. In order to meet this target, Cabinet will be invited to review all contracts and review every service when the opportunity arises to make sure that service is now affordable.

During the previous five years services for Disabled Children have expanded and improved. Much of this has been delivered as a result of the increased funding that was made available as part of the Government's "Aiming High" agenda; to increase access to Short Breaks for disabled children and their families. Short breaks are different from education, childcare or universal services. They are intended to give:

- Disabled children and young people enjoyable experiences away from their primary carers, thereby contributing to their personal and social development and reducing social isolation;

- Parents and families a necessary and valuable break from caring responsibilities.

Whilst this has been extremely positive, this funding stream is no longer ring-fenced as part of the Early Intervention Grant. As a consequence of the requirement that local authorities significantly reduce their spending due to budget cuts, there is a need to review the priorities of the service and to agree what can be maintained in the future.

The 'Aiming High Derbyshire Offer' forms part of a 'menu' of Short Break provision within Derbyshire, based on levels of need. The table below shows where Aiming High fits within this 'menu' of provision. The services shaded in grey would be affected by these proposals:

Universal	Inclusive Local Clubs and activities (for example, Children's Centre groups, Derbyshire Youth Service)
Targeted	<p>Summer playschemes for disabled children</p> <p>Aiming High group activities – open to any child or young person with a disability aged 5-17</p> <p>Aiming High flexible one-to-one support or a short break grant – open to children/young people aged 5-17 who meet certain eligibility criteria</p>
Specialist	<p>Aiming High activity weekends – open to children and young people with an assessed need</p> <p>Disabled Children's Core Services: Fostering, Residential, Outreach and Family Support Services that provide essential support to families of children with high levels of need identified through statutory assessment and who without this support would not be able to look after their disabled child</p>

This report does not make any proposals to change the Disabled Children's 'Core' Services, as these provide essential support to families with the highest levels of need in order to enable families to continue to care for their disabled child. The authority has a duty to provide services under Section 2 of the Chronically Sick & Disabled Persons Act 1970: such services are not part of the proposed reductions outlined in this paper.

National reforms to be implemented from September 2014 will result in significant changes to how children and young people with special educational needs and disabilities are assessed and supported. Part 3 of the Children and Families Act 2014, a new Special Educational Need and Disability Code of Practice and associated regulations will drive the changes that will deliver co-ordinated assessments and support and greater personalisation, enabling individuals and families to shape services: 'doing with rather than doing unto'.

In Derbyshire the 'Support and Aspiration' project is working with families, services and other sectors to implement these reforms.

Proposed areas for Savings – Non-Statutory Services

£35,000 Savings from Summer Playschemes budget:

Derbyshire Children's Services has provided a limited amount of funding to voluntary organisations and groups for the delivery of Summer Playschemes. This has been in the form of one-off funding on an annual basis. The take up has reduced from £50,000 several years ago to an amount in the region of £27,000 in 2012-13. The outcomes have been varied: some well-established schemes have reportedly worked well; others have been under-subscribed and consequently may not have delivered value for money.

Whilst this funding has provided activities that are positive for children and families, it is not anticipated that the removal of this funding would have a serious effect on families' abilities to care for their children, particularly as the Aiming High 'group activities' providers also now offer activities during the summer holidays. There are no on-going contracts in place and no commitment to any on-going funding.

To mitigate the risk of small groups not being able to function without this funding it is proposed that they would be signposted onto the following organisations to assist with funding:

- Children in Need Funding.
- Community Interest Company (which is based on a model of voluntary sector collaboration and can submit funding bids on behalf of its members).
- Potentially, the Youth Action Grant: about which further proposals are to be made outside the scope of this paper.

The current budget of £35,000 is proposed as a saving.

£450,000 Savings from restructuring the Aiming High Derbyshire Offer:

Current position:

The Authority spends £966,000 per year to provide:

- Group activities to Disabled Children without requiring any criteria / assessment to be applied. This is in the form of funding for two organisations per District to provide specialist groups for Disabled Children that otherwise would experience difficulties accessing a short break activity.
- 1:1 flexible support. A Disabled Child meeting the criteria for the Derbyshire Offer (and who is not in receipt of any core services) can access up to 80 hours per year of 1:1 flexible support to provide a short break. This is provided by a choice of 3 providers in each District.
- £800 cash grant. A Disabled Child meeting the criteria for the Derbyshire Offer (and who is not in receipt of any core services) can take this as a grant of up to £800 per year to be used to support a short break.

It is not possible to have both the full grant and the 1:1 support, but there is the option to choose between them or to take a combination of the two. Application for these is made by a Lead Professional and does not require a formal assessment. The Lead Professional could be a school Special Educational Needs Co-ordinator, a Community Nurse, Multi-Agency Team Worker etc. At present this is a minimum offer that is available to all Disabled Children who meet the criteria.

The 1:1 support and Group Activities are provided by 8 voluntary organisations that have contracts with the Authority to deliver until the end of December 2014.

Reducing the scope of the Derbyshire Offer would result in fewer Disabled Children and their families receiving a service, however, it is not anticipated that these would be the families with the highest levels of need and as such would not be considered unable to care for their child without the provision of services. Short break regulations require that, *'when making short break provision, they [Local Authorities] have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break'*. This will be taken into account with the new proposals.

With regard to the number of children and young people receiving the Derbyshire Aiming High offer; the last complete and accurate data is from 2012-13. It shows 239 accessing 1:1 support and 313 accessing grants.

The 2013 -14 data is not yet fully available but figures indicate a 20-24% increase in the number of individuals accessing 1:1 support in addition to an

increase in grants. Some of these will be individuals who are accessing a combination of 1:1 and grants.

Proposal for the future Derbyshire Offer:

Group Activities

It is proposed to reduce the budget for group activities from £300,000 to £150,000, with one provider per district commissioned to provide group activities for Disabled Children that would have otherwise have difficulty accessing short breaks.

This would form the non-assessed element of the Derbyshire Offer and also be for those carers outlined in the section above, i.e. *'not just those who would be unable to continue to provide care without a break'*.

As well as ensuring some provision for families with lower levels of need, this would aid the voluntary organisations in Derbyshire that support disabled children and their families by providing a stable source of funding.

Targeted Funding

The proposal is to reduce current spending on 1:1 flexible support and short break grants from £666,000 to £366,000; with the budgets for the 1:1 flexible support and grants being combined to create a new fund that is available following an Early Help Assessment (EHA) that would be completed by a Lead Professional.

Eligibility criteria would be included in any consultation; however, it is anticipated that it would be for children and young people with a Disability or additional need. Evidence from the assessment would identify the need for additional provision or service and show why this need could not be met in any other way.

Following the EHA the Lead Professional would then apply for this targeted funding; up to £1,500 per annum, which could be used to provide a grant for families to purchase services directly or to pay for a spot purchase of support. Spot purchases would be made through the Derbyshire Framework of Providers which currently has 20 organisations registered to provide support.

All the existing Derbyshire Offer Providers, except KIDS, are already on this Framework. KIDS could apply to be on it when the Framework is next re-opened, at the same time other providers will also be able to apply, resulting in the potential for greater choice and flexibility than is currently available.

The figure of £1,500 per annum is the maximum amount that would be made available through this process. It is assumed that not all requests would result in an allocation of £1,500 and that many would be less than this with an average allocation being in the region of £1,240. It would be necessary to remain within the overall budget in the management of the allocations if the planned savings are to be achieved.

Where funding over £1,500 is necessary, the expectation is that the level of need would meet the threshold for a Social Care assessment and the child's needs would be addressed through this process and access to Section 17 budgets.

The limit of £1,500 equates to an equivalent of 80 hours of support at mid-point of the current providers' costs; it is intended however that a new approach should provide greater flexibility, innovation and personalisation.

This would be a change from the current provision of:

- A right to a grant or 1:1 support if the child meets the criteria; to
- A Lead Professional undertaking an Early Help Assessment resulting in the identification of the need for additional services that enable the carer to support the Disabled Child.

The figure of £366,000 would provide up to 295 children with an average of £1,240 of support, up to a maximum of £1,500 per individual if all were to move onto this.

The new Derbyshire Offer would aim to reduce the current budget by a figure in the region of £450,000.

Proposed Interim Arrangements

In view of the timescales necessary to implement the changes it is necessary to consider what interim arrangements will be required. It is proposed that consultation takes place regarding the arrangements that would apply for the first six months of the 2015-16 financial year. In view of the need to make savings on the budget from the outset of the financial year it would be proposed that these interim arrangements would:

- Reduce the maximum number of hours of one-to-one support from 80 per year to 70 per year (pro rata)
- Reduce the maximum number of hours of group activities to 70 per year (pro rata). The previous maximum was 80, however in

practice providers have had capacity to offer many families additional hours;

- Remove the entitlement to an £800 short break grant from 1 April 2015

The demand for grants has increased, however, they are not means tested and are currently paid without a robust assessment of need. It is anticipated that families who are in need of support would undergo an Early Help Assessment and access support based on the outcome of the assessment.

Additional Considerations

These changes would affect children and families who have been receiving services through the Derbyshire Offer in some cases for several years. It will be necessary to consult further with them about proposed changes.

These changes would need to be made in the context of the Special Educational Needs and Disability reforms resulting from the Children and Families Act 2014 with implementation from September 2014. The Act contains provisions to reform the current system of support for children with special educational needs and disabilities and includes a new duty on Local Authorities to work with young people and parents/carers to develop a 'Local Offer' of services that are available to meet the needs of disabled children and their families.

Currently there are 8 providers who are contracted until December 2014 to deliver the group and 1:1 support. Although we do not have any contractual commitment after this date, it is proposed to extend the contracts so that there would continue to be support until new arrangements are implemented. We would need to keep families and providers informed about the changes and timescales: a proposed timetable can be found at Appendix Two.

In addition to the Derbyshire Offer, Disabled Children are able to access activities and short breaks through mainstream and targeted provision and Derbyshire will continue to support the inclusion agenda, extending the reach of universal services by providing support and advice to settings as required.

The proposals outlined above focus on group activities and targeted funding for children and young people who experience significant barriers to accessing mainstream and targeted provision.

The risk of relying on the Framework to provide consistency, reliability of services and fair pricing would be mitigated through monitoring of the Framework and quality assurance checks led by the Commissioning Team.

3. Financial Considerations

Total anticipated savings: £485,000

Comprised of:

Activity	Current spend	Proposed spend	Saving
Playschemes	£35,000	0	£35,000
Group Activities	£300,000	£150,000	£150,000
1 to 1 and Grants	£666,000	£366,000	£300,000
Total	£1,001,000	£516,000	£485,000

Consultation on Special Educational Needs and Disability (SEND) Reforms and the Local Offer

As part of the consultation on Derbyshire's approach to the SEND reforms which closed on 4th June 2014, respondents were asked to comment on how we can ensure that specialist group activities and support continue to be available to the young people and families who need them most as part of our Local Offer. The consultation generated 445 responses. There were:

- 204 responses to the question relating to Aiming High and 5 responses referred to Aiming High in answer to other questions, including:
- 155 responses from a parent/carer/family member with a disabled child/young person, of which
- 40 stated that they had not heard of this service and
- 26 advised against cutting budgets and suggested challenge to the cuts/alternative fund raising/income generation

The main themes of other responses included:

- Better scrutiny of criteria and targeting resources at those with greater needs
- Means testing and
- Consideration of parental contributions/use of Disability Living Allowance

The proposals in this Cabinet Report are consistent with the first theme which emerged from consultation, to target available resources towards those with greater needs. Means-testing and parental contributions have been considered; however it would be complex and costly to administer as there would be a large number of potential applicants for a relatively small amount of funding each. Families are already able to purchase additional

support if they wish to, whether from a provider on the Derbyshire Framework or another provider of their choice. We propose to take steps to make sure that families are aware of this.

4. Legal and Human Rights Considerations

Legal advice will be needed to ensure that the proposals are compliant with the Local Authority's duties under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011 and associated guidance. The proposals have been formulated with these in mind and it is anticipated that they will be compliant.

The need for an equality impact assessment is anticipated as part of the next stage of these proposals.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

6. Key Decision

Yes. The proposal affects more than 2 Districts and relates to savings of £485,000 and spend in excess of £500,000.

7. Officer Recommendations

That consultation takes place with children, young people, parents, carers and stakeholders on the basis of proposals set out in this report.

Ian Thomas
Strategic Director for Children & Younger Adults

Appendix 1

The following are the key extracts from the Executive Summary from the: Department of Education's: 'Short Breaks for Carers of Disabled Children; Advice for local authorities'.

(Please see the full guidance for the complete picture)

Executive Summary

This is non-statutory advice from the Department for Education. It has been produced to help local authorities understand how to fulfil their duties under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011.

Legal context

The Short Breaks Regulations provide further detail on how local authorities must perform their duty in the Children Act 1989 ("the 1989 Act") to provide, as part of the range of services they provide for families, breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively. In summary, the Short Breaks Regulations require local authorities to do three things:

- to ensure that, when making short break provision, they have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break;
- to provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and
- to provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.

Summary of advice

Local authorities must:

- provide a range of short breaks services;
- give families the choice to access short breaks services using a direct payment;
- publish a statement of their short breaks services on their website;
- keep their short breaks statement under review;
- state in their short breaks service statement the range of short breaks services available, the criteria by which eligibility for services will be assessed, and how the range of services is designed to meet the needs of families with disabled children in their area;
- consult parents as part of the review of the statement;

- consider the legal implications of the eligibility criteria they apply to short breaks services; and
- not apply any eligibility criteria mechanistically without consideration of a particular family's needs.

Local authorities should ensure that:

- short breaks are reliable and regular to best meet families' needs;
- local authorities should try to reach groups of parents who may be more difficult to engage;
- parents are engaged in the design of local short breaks services;
- short breaks can build on and be offered by universal service providers;
- they are working in partnership with health services to understand the range of short breaks services in their area and to train the workforce;
- short breaks promote greater levels of confidence and competence for young people moving towards adult life;
- local authorities should ensure that those who use short breaks services have the chance to shape the development of those services; and
- they continue to develop their workforce in relation to short breaks services.

The following represents key areas of good practice which have been developed over the Aiming High for Disabled Children short breaks programme.

It is good practice for local authorities to ensure that:

- a "local offer" is considered in order to provide families with access to some short breaks services without any assessment;
- formal assessment of families' needs leads to a tailored package of services for them;
- in preparing the short breaks services they have thought about how best to share information about disabled children between agencies within existing data protection requirements;
- they have considered working together with partners to ensure strategic sign-off and shared accountability locally for the statement and the services it refers to; and
- commissioning is leading to more responsive short breaks services.

Appendix 2

Timescale:

September 2014	Existing Aiming High contracts extended until 31 March 2015
September to December 2014	Consultation on: <ul style="list-style-type: none">• proposed interim arrangements that will apply April 2015 – September 2015• future changes to the scheme
January 2015	Cabinet Report
February 2015	Submit to Cabinet decision; inform families and providers of planned changes Begin re-commissioning process for group activities
April – September 2015	Interim arrangements
March – October 2015	MAT/other Lead professional review short break support for individual children/families
1 st October 2015	New group activities and one to one arrangements in place in place and new services begin