

North Yorkshire County Council

Young People's Overview and Scrutiny Committee

17th April 2015**Draft Strategy for Meeting the Social Care Needs of Disabled Children and Young People and their Families, 2015-2018****1.0 Purpose Report**

- 1.1 To consider responses to consultation on a draft strategy to meet the social care needs of disabled children and young people and their families.
- 1.2 To seek the views of the Committee for inclusion in the report to the meeting of the Executive on 26 May, 2015.

2.0 Background

- 2.1 Following a period of national investment, savings in excess of £500k have been made since 2011/12 in the budgets for disabled children, young people and their families. By 2020, further savings of £887k have to be made in the current budget of £5.234M in order to meet the target saving. This represents a 16.6% budget reduction in provision and staffing budgets.
- 2.2 The meeting of the Corporate Director and Executive Members for CYPS on 9 December 2014 agreed to public consultation on a strategy to meet the social care needs of disabled children, young people and their families, which, if implemented would achieve the target saving. A copy of the report which was considered at the meeting, including the draft strategy, is attached at Appendix 1.
- 2.3 At the meeting on 30 January 2015 the Committee noted that the public consultation had commenced and asked for a report on the results of the exercise.

3.0 Consultation

- 3.1 A twelve week public consultation on the proposals commenced on 17 December 2014 and ended on 11 March 2015.
- 3.2 A consultation document and questionnaire was published on the Council's website. The parents and carers of all children known to the Disabled Children's Service (DCS) were written to and alerted to the consultation as were all the families who received a discretionary short break grant in 2014/15. All schools and staff who work with disabled children were contacted as were clinical commissioning groups, the parents forum (NYPACT) and the Flying High group of disabled young people. NYPACT highlighted the consultation on their website. 14 public consultation meetings were held, including 5 which were reserved for parents and carers who had children who attended the local Children's Resource Centre.
- 3.3 42 questionnaires were returned. An analysis of responses is attached at Appendix 2.

- 3.4 In total, 113 individuals attended the consultation meetings, 83 of whom were parents/ carers of disabled children and young people. Summaries of the issues raised are attached at Appendix 3.
- 3.5 15 written responses were received. These are attached at Appendix 4, with the exception of 3 where it is not possible to maintain the privacy of the child and family. The issues raised in those letters are reflected in other responses and relate primarily to the value placed by parents on CRC provision and discretionary short break grants. The questions and comments in the responses from representative groups (Flying High Group of disabled young people, the management committee of NYPACT, Ryedale Special Families, and the 3 submissions from Save North Yorkshire's Disabled Children's Service (SNYDCS), including a letter to the Chairman) are addressed in the Appendix. The response to consultation from SNYDCS includes a petition of 629 signatures, including North Yorkshire residents, UK residents and people from other countries.

4.0 Summary of Consultation Responses

- 4.1 The consultation was about how the required budget saving would be achieved. Nevertheless, many parents and carers took the opportunity to object to the fact that the Council has decided to reduce the budgets for disabled children, young people and their families, and to express their anxieties about the potential impact. There was some appreciation of the efforts in the draft strategy to reduce the impact of the cuts.
- 4.2 Whilst the majority of respondents disagreed with the proposal to reduce the financial value of existing packages of support for those in the DCS, a bigger majority thought that the proposal to reduce the financial value of new packages of support only was unfair. In essence, generally respondents felt that if the local authority were to reduce the financial value of packages of support then this should be consistently applied across all children and families in the DCS. There was some concern expressed about the equity of packages of provision.
- 4.3 There was majority support for the proposal to increase the number of foster carers offering overnight short breaks in the local community, but a bigger majority was opposed to the Council considering closing one of the Children's Resource Centres as the proposed number of family based overnight opportunities increased. The issue was understandably of greater concern to parents and carers of disabled children and young people who currently use a CRC, and especially to those who use The Ghyll, Skipton or Morton-on Swale.
- 4.4 Although there was majority support for increasing the number of family based overnight short breaks within local communities many respondents were concerned about the ability of the Council to recruit and retain enough suitable specialist foster carers in order to make the proposals viable.
- 4.5 There was majority support for the proposal to reduce bureaucracy, but the reduction in staffing which this would involve as a result of a staff restructuring attracted some adverse comments and concerns. There was a desire to ensure that the local authority retains sufficient social workers in the DCS and that caseloads are manageable.
- 4.6 In areas of discretionary provision, there was significant support for the continuation of short break grants for those who do not meet the eligibility criteria for the DCS. Many families highlighted the significant impact which these grants had on the lives of disabled children and young people, without recourse to statutory provision. Concerns were expressed about the proposal to cease the grant funding of East

Barnby Outdoor Education Centre, especially from those families that have enjoyed the opportunities which the centre offers.

- 4.7 There was general support for the proposal to strengthen the role and support provided by the voluntary and community sector to disabled children and young people. The challenge of achieving this in all areas of the county was a theme in discussions.
- 4.8 There was support for greater personalisation and more choice for parents and carers in the delivery of services. This was often accompanied by concerns about Direct Payments and the need for more encouragement to the market of providers, and better information and guidance. There was support for the Council's proposed approach to improving the transition of disabled young people to adulthood.
- 4.9 Representative groups drew attention to the absence, in North Yorkshire, of a single register of disabled children and the additional difficulty this makes in making informed decisions, especially in relation to discretionary short breaks and provision for those who do not meet the eligibility criteria for the DCS. The draft strategy proposes to maintain the existing eligibility to services but there was a lot of concern about provision for those who do not meet those criteria, especially those disabled children whose needs arise from 'high functioning conditions' such as Asperger's, ADHD, attachment disorder, and mental health problems.
- 4.10 Some concern was raised that the needs of carers was insufficiently addressed in the draft strategy.

5.0 Legal Implications

Consultation:

- 5.1 **When carrying out this consultation, it is important to ensure that the legal principles of consultation are followed. Case law has provided that these principles include:**
- (a) consultation is undertaken at a time when the relevant proposal is still at a formative stage;
 - (b) adequate information is provided to consultees to enable them properly to respond to the consultation exercise;
 - (c) consultees are afforded adequate time in which to respond, and
 - (d) the decision-maker gives conscientious consideration to consultees' responses.
- 5.2 This consultation has followed all of the above principles and appropriate consideration will be given at the future Executive meeting.

Register of Disabled Children

- 5.3 The Council has a statutory duty to open and maintain a register of disabled children within their area, and that register may be kept by means of computer (as provided by the Children Act 1989). In order provide services to disabled children, the Council has a number of data bases which contain the relevant information of services and assessments made. However a single data base is in the process of being implemented and this work will be completed before the Executive meets on 26 May 2015.

Carer's Assessment

- 5.4 The Children and Families Act 2014 imposes a legal duty, from the 1st April 2015, on the Council to assess whether a parent carer for a disabled child within their area has needs for support when certain conditions are met. The Council must take reasonable steps to identify the extent to which there are parent carers in their area who have needs for support.

The conditions are;

1. It appears to the Local Authority that the parent carer may have needs for support, or the LA receives a request from the parent carer to assess their needs for support and
2. The LA are satisfied that the disabled child and their family are persons for whom the LA may provide or arrange for the provision of services under Section 17 of the Children Act 1989.

The Care Act 2014

- 5.5 The Care Act 2014 imposes several duties upon the Council in terms of Disabled Children from the 1st April 2015. It imposes transitional arrangements where the Council is providing section 17 Children Act 1989 services to continue doing so, until assessments for child's needs, carer's needs and young carer's needs, have been carried out and service provision has been identified as being required or not required under the Care Act 2014.

6.0 Equalities

- 6.1 As the draft strategy is directly concerned with the provision of services to disabled people the Council must act in accordance with the public sector equality duty (section 149 *Equality Act 2010*) when taking decisions in connection with it. The public sector equality duty requires public authorities, when exercising their functions, to have 'due regard' to the need to (a) eliminate discrimination, harassment and victimization and other conduct which the Act prohibits (b) advance equality of opportunity and (c) foster good relations between people who share relevant protected characteristics and those who do not.
- 6.2 In order to assist in the discharge of the public sector equality duty, the draft Equalities Impact Assessment which was completed for this area will be updated in light of the consultation responses and any other relevant information. It will be included in the report to the Executive for their consideration on 26 May 2015.

7.0 Comments of the Corporate Director

- 7.1 The public consultation on the draft strategy was comprehensive and conscientiously conducted. It elicited a great deal of engagement from disabled young people, their parents and carers, representative groups and some local authority staff.
- 7.2 There is no escaping the fact that there is a significant challenge to meet the target saving from the budgets for disabled children, young people and their families. That is why a strategic approach to assessing and meeting need is necessary, and why the central proposal, to rebalance overnight provision towards family based opportunities and foster care, is proposed as a significant way to reduce costs whilst continuing to meet needs. It would crucially also be the right thing to do for families of children with less complex needs which could be safely met in home settings in local communities.

- 7.3 The recruitment of more foster carers for disabled children would be a high priority in the delivery plan for the draft strategy, it is also fully recognised that the Children's Resource Centres would not be affected unless this recruitment strategy was successful. The proposed increase in family based overnight care would have to be in place before the proposed reduction in residential care could be taken forward. Funding would be made to the Fostering Service to enable the work to recruit and retain additional foster carers for disabled children and young people. Research will be undertaken into the approaches and actions of local authorities which have to a greater extent adopted this approach to making overnight short break provision.
- 7.4 Similarly, the proposal to reduce bureaucracy by spending less time overseeing cases where family circumstances are stable, predictable and safe is the right thing to do, subject to necessary protections, and is central to our ability to reduce staffing costs in order to meet the target saving. Staff time would be targeted at the highest need cases.
- 7.5 It is unsurprising that there is little appetite for reducing the financial value of packages of support though there has been some concern expressed that there should be more equity in the value of packages of support. These reductions, managed through the annual or interim review of individual needs, would be necessary in order to meet the savings target, though it is acknowledged that to do so only for new packages would be unfair.
- 7.6 Whilst there is good knowledge of the population of disabled children in the area, consultation has drawn further attention to the need to have in place **a single** register of disabled children, which is a legal duty. Work to achieve this from existing well established but currently separate data sets of disabled children known to the local authority's services is advanced and will be completed before the Executive meets to make decisions on the draft strategy on 26 May 2015. The offers from NYPACT and Ryedale Special Families to assist in further developing and maintaining the register are welcomed and will be taken up.
- 7.7 In this context it is important to recognise that the strategy does not propose a reduction in eligibility criteria for the DCS, that other disabled children and their families will continue to have their needs assessed and met as children in need by Children's Social Care, and that some disabled children and families would be assisted by the newly launched prevention service using the Common Assessment Framework.
- 7.8 Notwithstanding this, before recommendations are made to the Executive, further consideration will be given to the proposal to reduce the available budget for discretionary short breaks in 2015/16 pending further work to assess the extent of local need. This would be included in a further consultation on the Short Breaks Statement which sets out what is available to families of disabled children.
- 7.9 Further consideration will be given to the provision made for disabled children with 'higher functioning' conditions who are known to Children's Social Care.
- 7.10 Work will be put in hand to consider further the implications of the new duty from 1 April 2015 to take reasonable steps to identify the extent to which there are parent carers of disabled children in the area who have needs for support.
- 7.11 Before recommendations are made to the Executive, consideration will be given to the proposal concerning the grant to the East Barnby Outdoor Education Centre in 2015/16 to allow time for the development of a new funding model.

- 7.12 The intention to further assist the Voluntary and Community sector in its work to support disabled children and young people and their families resonates with the Stronger Communities initiative. The Council has recently been able to support the development of a special families group in Scarborough and Filey working with Coast and Vale Community Action and supported by Ryedale Special Families. A similar approach in other areas, notably Selby which does not have the same voluntary sector infrastructure around disabled children, will be considered for possible recommendation to the Executive.
- 7.13 The intention in developing the draft strategy was to provide a sustainable system of support and provision for disabled children and young people and their families across North Yorkshire, with no fewer families than currently receiving support to meet assessed needs. We are also confident that the recent redesign of prevention services actually increases our capacity to provide support to individual children and their families. However, the consultation has drawn attention to the need to ensure that those who do not meet the criteria for statutory services are fully recognised and that any changes made to provision for them follow a period of further analysis..

8.0 Recommendations

- 8.1 That the Committee considers the responses to the public consultation on the draft strategy for meeting the social care needs of disabled children, young people and their families.
- 8.2 That the Committee decides whether it wishes to make recommendations to the Executive relating to the draft strategy ahead of its meeting on 26 May 2015.

Pete Dwyer, Corporate Director, Children and Young People's Service, County Hall, Northallerton

Report prepared by Andrew Terry, Assistant Director, Inclusion Service

April 2015

Appendices

Appendix 1 – can be found at:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=31&meetid=3257>

Appendix 2 – Printed

Appendix 3a – Printed

Appendix 3b – can be found at:

<http://democracy.northyorks.gov.uk/committees.aspx?commid=31&meetid=3257>

Appendix 4 - Printed

ANALYSIS OF CONSULTATION QUESTIONNAIRE

The following provides a summary of the quantitative responses to the consultation questionnaire

83% agree or strongly agree with the proposal that the eligibility criteria for the Disabled Children's Service should be maintained.

68% disagree or strongly disagree with the proposal that the value of new packages of support should be reduced.

55% disagree or strongly disagree with the proposal that existing packages of support should be reduced.

52% agree or strongly agree with the proposal that the Council should increase the number of foster carers able to offer overnight short breaks, 14% disagree or strongly disagree with the proposal and 33% have no fixed view (neither agree nor disagree).

65% disagree or strongly disagree with the proposal that as the number of family based short breaks increases, the Council should consider closing one of the Children's Resource Centres, 14% agree with the proposal to move to closure of a Children's Resource Centre and 21% have no fixed view (neither agree nor disagree).

67% agree or strongly agree with the proposal that the level of bureaucracy attached to less complex cases in the Disabled Children's Service should be reduced.

51% disagree or strongly disagree with the proposal that the Council should cease to grant fund East Barnby Outdoor Education Centre.

66% agree or strongly agree that discretionary short break grants should be maintained.

78% agree or strongly agree that the proposed approach to improve transition to adulthood is the right approach to take.

83% agree or strongly agree with the proposal that the Council should strengthen the role and support provided by the voluntary and community sector to disabled children, young people and their families.

80% agree or strongly agree that the Council should try to attract more organisations and companies to provide services for disabled children, young people and their families.

The following provides a summary of the qualitative responses to the consultation questionnaire :

(i) Comments about the proposals or their likely impact reflect (Q4)

High levels of support for existing services (Children's Resource Centres, East Barnby Outdoor Education Centre, discretionary grants, and the Disabled Children's Service).

Significant concern about reduced funding for children with disabilities, young people and their families and the likely impact on families, with several specific examples.

Concern about the ability of the Council to recruit foster carers.

A concern that local provision is limited and that this restricts opportunities

The need for a range of local services and flexible responses was highlighted, and a recognition that this might be different in areas of the county, with the possibility of commissioning across county borders.

(ii) Suggestions about other ways in which the Council could make savings in the budgets for disabled children, young people and their families (Q5)

Reduce bureaucracy, consultations, staffing budgets and salaries

Ensure that resources for families are correctly targeted and monitored

More joined up and co-ordinated local services for disabled children and their families

Development of the market to encourage more providers and carers

Greater encouragement and help to families who wish to use Direct Payments and flexibility in their use

More involvement of the community and voluntary sector

Joint approaches with Health

(iii) Suggestions as to how the Council could make it easier for families to access Direct payments and make good use of them (Q6)

Better information, advice and publicity

More information on employment and insurance responsibilities

Easier access

Better monitoring of payments

Direct Payments are not attractive to all families or in all circumstances

Give parents more control and flexibility over how they spend their Direct Payment

Consider the level of payment

(iv) Other comments about the services and support provided by the Council to disabled children, young people and their families (Q7)

Support for the maintaining The Ghyll, Children's Resource Centre

Concern that some families would not be able to cope, leading to more children and young people in care

Need to ensure that sufficient good quality, well trained foster carers are in place before making changes to Children's Resource Centres

Better service provided in West Yorkshire

The value and importance of East Barnby and short breaks

The importance of support post-18 and the transition to adulthood

Better information and advice

The importance of Portage workers

The challenges relating to the introduction of new Education, Health and Care Plans

Distrust between families of disabled children and North Yorkshire's services for disabled children

The availability of local provision and named local contacts

Inefficient staff and systems which frustrate and hamper parents

Flexibility in a range of services to avoid gaps and delays

Positive experiences of the services provided

More support for siblings would be appreciated

Concern about the need for some parents to travel greater distances if a CRC closes

CRCs to be available to age 25

More holiday and after school activities linked to special schools

The absence in North Yorkshire of a single register of disabled children

The importance of equity in provision

DRAFT STRATEGY FOR MEETING THE SOCIAL CARE NEEDS OF DISABLED CHILDREN, YOUNG PEOPLE AND THEIR FAMILIES 2015-2018

KEY POINTS MADE AT THE PUBLIC CONSULTATION MEETINGS AND CLOSED MEETINGS FOR PARENTS/CARERS OF CHILDREN WHO ATTEND CHILDREN'S RESOURCE CENTRES

This note summarises the key points made at the consultation meetings.

Detailed notes were taken at each of the 14 consultation meetings and these notes are available should further detail be required

FOCUS AREA 1 - PROTECTING ELIGIBILITY TO SERVICES

Entry into the Disabled Children's Service is set too high. This leads to some children 'falling through the gap' because of a lack of provision in Children's Social Care (for example provision for children with high functioning autism and FAS).

The authority should consider future increases in demand for services as a result of an increase in the number of children born with complex medical needs.

The authority will see an increase in the number of referrals to the Disabled Children's Service as a result of the introduction of Education, Health & Care Plans

If the Disabled Children's Service was spread any thinner it would be unsafe. The service should focus on the most severely disabled children.

FOCUS AREA 2 - REDUCING BUREAUCRACY

Families feel reassured to know that someone will be available and make a visit if needed.

There should be a courtesy call every now and again to check with families if things are OK.

Continuity of worker should be provided for families who do not receive as many visits.

The authority could save money by reducing the number of Inclusion Officer posts.

FOCUS AREA 3 – ENABLING MORE CHOICE AND CONTROL

More flexible use of personalisation and more individualised approaches are needed.

Some families end up in services because there is little choice. There needs to be more flexibility and more services to meet assessed need.

Greater flexibility is welcomed by families.

Families can really benefit from the use of direct payments by exercising more choice and control over the services they receive

The downside of Direct Payments is that families 'put all their eggs in one basket'. Direct Payments can work well for families but not so well when services break down.

Recipients of direct payments need more advice and support

Support costs for Direct Payments, especially payroll are expensive

Some of the processes surrounding direct payments are very bureaucratic

The Direct Payment Support Service is not child focussed. It comes from an adult perspective.

For some families of disabled children, finding the time to manage Direct Payments is difficult

FOCUS AREA 4 – REDUCING THE COST OF SOME INDIVIDUAL PACKAGES OF SUPPORT

A reduced offer to new entrants is not fair

More is not necessarily better.

The authority needs to consider the cost and impact to its budgets of family breakdown as a result of services being reduced

Wider use of direct payments could help to reduce overall costs since these do not include the profit which agencies take.

Increased use of personalisation and listening to what families come up with by way of creative solutions to meet their child's assessed needs may help to contain costs.

The Children & Families Act talks of joining up funding across education, health and care. Will this improve the level of funding from health for young people with

disabilities.

Often money is departmentalised in the Council. If you joined it up more, money could be saved. For example, transport is funded both from schools and social care with duplication and too much money spent. Purchasing of transport should be more joined up.

FOCUS AREA 5 – ENHANCING LOCAL PROVISION BY PROVIDING MORE FAMILY BASED SHORT BREAKS

How will foster carers be recruited and has the authority allowed sufficient time to recruit new carers.

It may be difficult to recruit foster carers in some areas of the county.

How will the authority rigorously assess new foster carers

The personal choice of families and young people must be considered. Not all families want a family based break for their child

Are children at more risk of abuse in a family based setting

Foster care is not appropriate for all children

Specialist training for foster carers is needed for children and young people with complex needs and challenging behaviour.

If children are capable of being in a family based setting why are they in a CRC. It is better to send children to a family if they can.

Parents of disabled young people who are growing up now may be willing to work as foster carers. They have the skills and experience.

Some foster carers will need adaptations to their homes. Has funding been set aside for this and if so, how much.

Foster care can break down easily unlike Children's Resource Centres which have more resilience. Foster carers can be unreliable and are sometimes poorly or on holiday themselves. The authority will need to over provide foster care to have sufficient capacity in case of resilience issues.

The authority needs to improve "Staying Put" arrangements for disabled children.

Greater use could be made of other local residential facilities to provide short breaks (for example Welburn Hall School and the Woodlands Hostel)

FOCUS AREA 6 – CHILDREN'S RESOURCE CENTRES

It makes sense to increase the age range of CRC's to 19 to align with when children leave special school

Children's Resource Centres need to continue to remain available to families of children with disabilities.

There will be a real impact on those children who need to move to another CRC in the event of closure.

Parents value the services provided at both Morton CRC and The Ghyll and wish those services to be maintained.

The cost of transport needs to be considered if children are required to travel to a different CRC in the event of closure.

For some children closure this could mean a long journey.

The authority should consider commissioning CRC provision from other LA's if it means a shorter travelling distance for the child.

Children's Resource Centres could support foster carers

There is a lack of provision in Selby. A Children's Resource Centre is needed in Selby. Children already have to travel a long distance to access provision. It would be a great concern if Morton were to close.

Relationships between Special Schools and CRC's will be lost if CRC's close.

What factors did the authority consider when identifying which CRC may potentially close.

Moving children to different CRC's may mean that they are not close to their local medical facilities and health practitioners who know the child well.

There is a risk of destabilising good services while there is a threat of cuts to CRC's because staff may leave CRC's rather than risk losing their jobs later.

The chance to mix with other children is vitally important. This may be more difficult in foster care than in a CRC

FOCUS AREA 7 – MAINTAINING SOME DISCRETIONARY PROVISION

The Short Break Grant could be managed better. The system is bureaucratic and needs to be simplified.

The Short Break Grant needs to be based more on need to get away from the sense of entitlement that some families think that they have at the start of the financial year. It shouldn't be every family every April.

How is the authority making sure the short break grant is being spent on short breaks.

The LA is using the Short Break Grant to 'protect' the Disabled Children's Service. Inclusion Officers are gate keepers of the Eligibility Criteria.

Some families feel 'fobbed off' by the grant – it is not a proper service to meet the needs of disabled children.

If families don't receive a short break grant there will be more referrals for statutory services.

The grant is lower in some other local authority areas

£500 is not enough for children who need 1:1 support.

£500 seems a small amount but makes a big difference for the families who receive it and does a lot to help.

The grant creates a social life for children who don't get a social life and gives parents and siblings a break.

The services provided to disabled children at East Barnby and Bewerley Park are excellent.

If families were charged for the provision at East Barnby and Bewerley Park there wouldn't be as many non-attenders.

If East Barnby is reliant on the voluntary and community sector for funding, this can't be guaranteed.

A lot is spent on the Inclusion Service for very little. Seems too much money spent on staff to administer a small grant.

FOCUS AREA 8 – IMPROVING PREPARATION FOR ADULTHOOD

The model for integrated transitions is welcomed. How soon will it start.

Workers supporting young people into adulthood is welcomed.

Transition into adult services needs to improve. Services aren't always available.

More providers are needed

Why can't the funding for the new model for integrated transitions be used to offset the savings that need to be made to the budgets for disabled children

FOCUS AREA 9 – STRENGTHENING LOCAL COMMUNITIES

Families welcome the authority's investment in new groups such as Scarborough Special Families

Engaging the voluntary and community sector is welcome but there is a challenge in getting the voluntary and community sector actively engaged in some areas of the county

Mutual support helps families.

There are a number of examples of local groups and organisations that make a real and measurable difference to families (for example POSH, SELFA, Brooklands Buddies, Sparkles, Ryedale Special Families, Pendragon Community Trust, Ripon Acorns, Carers Resource, Bee Able, FUSE Theatre,)

Voluntary organisations can assist by raising funds for non statutory work so the authority can focus on statutory services.

Charities are struggling at the moment and many are losing funding. Everyone is bidding against the same pots of money.

Parents of disabled children don't have the time to contribute to community activity and organisation and are often exhausted in carrying out their care role.

There is the potential to use the Education Health & Care Plan to better co-ordinate support for families

Sitting services in communities could be expanded

Is the authority over relying on the voluntary and community sector to provide services

Could 'Special Schools provide more opportunities for families to meet (many families of disabled children send their children to school in taxis and don't have the same opportunities to meet with other parents and children who attend mainstream schools).

FOCUS AREA 10 – IMPROVING COMMISSIONING AND CONTRACTING

It would be useful to have a list of providers available to parents.

Will there be a Framework Agreement for voluntary providers.

There is a need to work more closely with providers who deliver Adult Services.

It would be good to have a provider fair to show what is available

FOCUS AREA 11 - IMPROVING ENGAGEMENT

The voices of children with complex needs are not always heard. Children with severe learning and communication difficulties need to be taken into account.

The engagement of families and voluntary organisations is very important. Articulate families tend to get their voices heard. Individual advocacy is needed for vulnerable parents.

The Education Health & Care Plan review is a good place to see everyone at once. Embedding SEN and DCS through SEND is the way to improve that. .

Not all parents can engage at the 'right time'.

The funding for NYPACT seems high.'

Parents and carers can't get on key strategic groups unless they are a Committee member with NYPACT.

NYPACT aren't a wide enough group. You need paid leaders to make a difference. Share out the money into 3 areas to form smaller local groups.

NYPACT don't engage with all parents. Representation needs widening.

NYPACT is more about Education and not social care.

FOCUS AREA 12 – IMPROVING PERFORMANCE

The Disabled Children's Service is a good service – please don't change it

The voice of children needs to be heard

FOCUS AREA 13 – IMPROVING ACCESS TO INFORMATION

Some families are unaware of the Local Offer

There are difficulties in getting to know what is available.

The Education Health & Care Plan review is a good place to see everyone at once. Embedding SEN and DCS through SEND is the way to improve that.

The District Councils could put information on their websites and newsletters regarding the Local Offer

FOCUS AREA 14 – REVIEWING COUNCIL SERVICES

The quality of the people who work with disabled children is important.

The authority needs to protect qualified social workers

Caseloads need to remain manageable for social workers

There are too few staff already and they are severely stretched.

We need the support of Social Workers. The Social Worker is the lynchpin for services and they are often stretched

OTHER KEY COMMENTS RAISED

You have done very well overall with the draft strategy – in view of the cuts which have to be made.

The draft strategy is generally positive.

We see the positives in the strategy as transitions, reduced bureaucracy, investment in fostering., the potential for Scarborough Special Families to provide support, raise funds and add value to statutory services and the engagement of parent/carers in the process.

Overall we are impressed by the proposals for how savings can be made

£887k is a drop in the ocean for the Council? Where is the wisdom in cutting this service? There is a lot of bureaucracy elsewhere in the County Council– this amount could be saved elsewhere.

NYCC fails parents of children with disabilities.

The Disabled Children's Service is being punished for failings elsewhere

It appears to be a system running at full capacity already with not a lot of slack. There isn't any give in the service. If further capacity is taken out it will put some families into crisis

NY don't have crisis facilities available to families.

NY don't enable families to go to work.

There are insufficient resources to meet the current needs of families.

NYCC should have a disabled children's register



Dear Peter,

We are writing in response to the draft proposals put forward in relation to the cuts in short break services for children's disabled social care.

- We welcome the proposal of giving more flexibility, choice and personalisation but would request that the families with the highest level of need have sufficient time and consultation to ensure that the choices proposed will meet the needs of children and young people who receive overnight care.
- That the choices between the foster care model and resource centres remains a choice and is sufficient to meet demand year on year.
- That the necessary safeguards will be built into the process and the children and young people are central to any decision making and they are being consulted.

Studies relating to Short Breaks like 'Committed To Caring' by Beth Prewett; Joseph Rowntree Foundation; stated that 'some families were waiting over a year to be matched to a family and that those with complex health needs needed carers who had a nursing qualification or the confidence to undergo specific medical training. Older children and Young People were difficult to place as some required 2-1 care.'

- We hope that whatever the choice of overnight respite, that this is able to meet the needs of those with the most complex and medical needs and that training and costings for 2-1 care, including 24 hour care needs and that the scope of adapting foster carers houses, has been carefully considered. We would also hope that the families wishing to use direct payments to pay for respite care within the home are able to do so with consideration paid to the adaptations of their homes to ensure that respite care in the home is the least stressful option for them and their child/young person.
- We welcome the Stronger Communities Programme and the support being offered to the voluntary sector to establish wider accessible social and leisure opportunities for children and young people with SEND. We believe that fostering stronger

communities across North Yorkshire is a step forward and would recommend that this is built on year upon year.

- We would like to ensure that there is a wide choice of activities and social opportunities for all children and young people regardless of their disabilities and geographical location.

'Cuts to any area of SEND have a cumulative effect on families as it is not just the services their children and young people rely on but services that the whole family and community rely on, this adds to the stress already faced by families and wonder if carers' needs are being addressed when they are having to provide transport over long distances to facilitate their child's inclusion. These carers can't then return home or have time to shop while their child attends a club as they are usually many miles from home and clubs tend to be run afterschool in an evening. We feel that the current geography and the services available are not conducive to ensuring children and young people's ability to enjoy full and active participation in their community or that carers are benefiting from short breaks when some of these services are situated over an hour away from where they live.' (Nypact, 2014, Challenges and Successes Report)

- We are concerned that North Yorkshire does not keep and maintain a 'Disability Register' that allows the local authority to plan for sufficiency. We are concerned that the Local Authority does not have a clear idea how many children and young people have disabilities, the level of disability and their geographical location. We are concerned families are falling through the gaps. We would recommend, following the case of Warwickshire in the High Court in February 2015 where the Judge found that Warwickshire Council were in breach of their legal duty in not maintaining a single register of disabled children, commenting that *'plainly unless this local authority has such a register and knows more or less precisely how many disabled children there are in the county it cannot make a fully informed decision about budgetary allocation'* (Irwin Mitchell)
- **We recommend that the local authority take steps to ensure they have a disability register and that it is maintained by an organisation independent of the local authority.**
- We are concerned that the numbers quoted in the proposed draft are not a true reflection of the amount of children and young people who are eligible for short breaks, or that there has been any projection of how those numbers will increase with more children receiving diagnosis each year. We know many children in the county are still awaiting ASC diagnosis.
- We know that the discretionary fund had been spent within 3 months last year which left many hundreds of families, who were eligible, without any short break.

Mencap reported '8 out of 10 family carers feel exhausted, isolated and even suicidal due to local council cuts to short break services across the country. The exhaustion and isolation caused by not having access to these services is forcing many carers to breaking point, where they feel they can no longer carry on. This is not caused by caring for someone with a learning disability; it is the result of being a carer without a single break.'

- We feel that by cutting the discretionary fund that it will become more difficult to prioritise who receives funding and feel that any cut to the budget would be a false economy with more families going into crisis and ultimately moving from being children in need to child protection.
- We recommend that there is no cut to the discretionary short break fund and that it remains at £150,000.
- We recommend that the fund is managed more efficiently and feel the current system is flawed and that the process of allocation should be transparent and grants are meaningful, ensuring that there is a difference made to the child/ young person and their families.
- We do not agree with the suggestion that new families entering the system should be offered a reduced amount of short break support or provision.

'The legal requirement and duty of the local authority in relation to assessment should be needs led rather than dictated by available provision' (Steve Broach, 2011, 'Cemented to the floor by law')

- We strongly recommend this proposal is removed from the draft entirely.

Yours Sincerely

North Yorkshire Parent Carer Council Management Committee

[REDACTED]

[REDACTED]

[REDACTED]

Cc

Andrew Terry

Peter Dwyer

Tony Hall

Richard Flinton

NYPACT Consultation response

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| <p>We welcome the proposal of giving more flexibility, choice and personalisation but would request that the families with the highest level of need have sufficient time and consultation to ensure that the choices proposed will meet the needs of children and young people who receive overnight care.</p> | <p>Engagement and discussion with parents and carers is a fundamental element of assessment and decision making, especially where children's overnight care needs are being delivered outside of the family home.</p> |
| <p>That the choices between the foster care model and resource centres remains a choice and is sufficient to meet demand year on year.</p> | <p>The intention is that Children's Resource Centres would be available to meet the most complex needs, with less complex needs being catered for in foster care arrangements.</p> |
| <p>That the necessary safeguards will be built into the process and the children and young people are central to any decision making and they are being consulted.</p> | <p>Noted.</p> |
| <p>We hope that whatever the choice of overnight respite, that this is able to meet the needs of those with the most complex and medical needs and that training and costings for 2-1 care, including 24 hour care needs and that the scope of adapting foster carers houses, has been carefully considered. We would also hope that the families wishing to use direct payments to pay for respite care within the home are able to do so with consideration paid to the adaptations of their homes to ensure that respite care in the home is the least stressful option for them and their child/young person.</p> | <p>We are fully aware of the requirement to ensure that overnight settings are able to meet the needs of disabled children, especially those with the greatest complexity. A capital budget of £300k is currently available for adaptations. The capital budget is annually reviewed.</p> |
| <p>We welcome the Stronger Communities Programme and the support being offered to the voluntary sector to establish wider accessible social and leisure opportunities for children and young people with SEND. We believe that fostering stronger communities across North Yorkshire is a step forward and would recommend that this is built on year upon year.</p> | <p>Over 80% of respondents to the on-line questionnaire supported a strengthened role for the VCS.</p> |
| <p>We would like to ensure that there is a wide choice of activities and social opportunities for all children and young people regardless of their disabilities and geographical location.</p> | <p>Noted. This is the intention of the Building Stronger Communities programme as regards disabled children and their families.</p> |
| <p>We recommend that the local authority take steps to ensure they have a disability register and that it is maintained by an organisation independent of the local authority.</p> | <p>Work to achieve this is well advanced and will be completed before the meeting of the Executive on 26 May 2015. We will discuss the further development and maintenance of the register with NYPACT later this summer and consider issues relating, for instance, to data sharing.</p> |
| <p>We are concerned that the numbers quoted in the proposed draft are not a true reflection of the amount of children and young people who are eligible for short breaks, or that there has been any projection of how those numbers will increase with more children receiving diagnosis each year. We know many children in the county are still awaiting ASC diagnosis.</p> | <p>The revised Short Breaks Statement will clarify qualification for discretionary services to reflect the reduced budget. The Council will also continue to make provision for disabled children through its Prevention Service. A diagnosis of Autism may not, in itself, determine eligibility to services.</p> |

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| <p>We know that the discretionary fund had been spent within 3 months last year which left many hundreds of families, who were eligible, without any short break.</p> | <p>In its revised Short Breaks Statement the Council will agree criteria which are realistic and targeted within the funds available.</p> |
| <p>We feel that by cutting the discretionary fund that it will become more difficult to prioritise who receives funding and feel that any cut to the budget would be a false economy with more families going into crisis and ultimately moving from being children in need to child protection. We recommend that there is no cut to the discretionary short break fund and that it remains at £150,000. We recommend that the fund is managed more efficiently and feel the current system is flawed and that the process of allocation should be transparent and grants are meaningful, ensuring that there is a difference made to the child/ young person and their families.</p> | <p>Noted. See above.</p> |
| <p>We do not agree with the suggestion that new families entering the system should be offered a reduced amount of short break support or provision. 'The legal requirement and duty of the local authority in relation to assessment should be needs led rather than dictated by available provision' (Steve Broach, 2011, 'Cemented to the floor by law'). We strongly recommend this proposal is removed from the draft entirely.</p> | <p>Noted.</p> |

Flying High Consultations on the 'Draft Strategy for meeting the social care needs of disabled children and their families' February/ March 2015.

Young people consulted :

Members of The Flying High Group
Members of 6th form [redacted] school, [redacted]
Members of PLP learning Group, at [redacted]
Members of Yrs 9 and 10 at [redacted] School.
Members of the SEN Council at [redacted] School,

Number of young people consulted :43

Age range : 11-25yrs

Questions asked and Method.

The content of the document was explained to the groups of young people. It was explained that there needed to be savings made to the budget for social care. They were then given 3 coins each and asked how and where they would choose to spend money. Michelle Allison also spoke directly to members of The Flying High group and comments raised during that session are also included in this report.

The following areas were discussed and commented on.

1. CRC's versus family short Breaks :

Of the young people consulted, not many had experienced staying in a CRC. For those young people (who had never experienced respite) their choices were based on their own feelings. They said that they thought they would prefer to stay in a family setting. They felt it would be more personal and that they would get more individual attention.

We spoke to 3 young people at [redacted] school, 2 of whom, had experienced staying at [redacted] and in a family short break setting, and 1 who was in a family short break.

All of these young people said that they preferred the family short breaks. The reasons were, that with their families they got to go out to the cinema or out for the day.

1 young person from [redacted] had not enjoyed their family short break. They had not liked the family pet or got on with all members of the household.

! young person from [redacted] had experienced staying in a CRC. They said they had quite enjoyed staying there, and mostly enjoyed seeing and socialising with other friends there.

Of the Flying High members spoken to, only 2 had experience of staying in a CRC. 1 young person had also experienced family short breaks. When asked which she preferred, she initially found it difficult to choose. However, ultimately she said that she preferred being in a family. She did say however, that she loved the staff in the CRC, and she loved meeting up with friends there. The other young person also said that she enjoyed the social aspect of staying in the CRC and meeting and playing with other young people.

2. Changes to funding for outdoor leisure centres :

Several members of Flying High felt sad about this aspect of the report. They had been involved with helping to advise on making East Barnby more accessible and a boat had been named after one of the original members of the group.

All young people that we spoke to, who had experienced the outdoor leisure centres, had really valued the experience. Members of Flying High had been with school or Ryedale special families. All said they had really enjoyed their times there. They had been with friends, learned new skills and helped them feel more confident.

Members of the PLP in [REDACTED] had been to East Barnby recently as a group. They had really valued this as they don't meet together as a group often. They felt it had given them a lot of confidence and been useful in building their team work skills. They had used the climbing wall and been canoeing. It had been really exciting. They would be very sad if they were no longer able to go on trips to East Barnby and feel that it is an important place for students to be able to visit.

Several young people at [REDACTED] had been to east Barnby or Bewerley on school trips. All rated their experiences very highly, talking about overcoming fears and becoming more confident. Many young people thought funding for these activities was important.

The overall message from young people was that the chance to do adventurous activities is very valuable for disabled young people. When asked if they would use direct payments to go, there were mixed responses. Many young people did not know what they were or how they were used.

Members of Flying High said that it may be difficult to use direct payments for 'one off' activities, as they were used for weekly, essential support needs.

Members of Flying High also said that services needed to be there in order for you to be able to 'buy them'

Several young people from [REDACTED] school and Flying High had experienced days out or residentials, supported by Ryedale special Families. They liked the idea of a similar group being started in [REDACTED]. However, young people in Craven and Selby feel that their areas are being 'neglected'.

3. Proposed changes to social worker input to families.

The majority of young people we spoke to placed high value on social worker input for their families. Young people have also experienced valuable support from family support workers, taking them out and helping to build their confidence. Concerns were expressed about how difficult it would be to get to see a social worker if they have not been in contact for a while. Comparisons were made to the difficulty young people currently have of accessing a social worker in adult social care and concerns that the proposals would make the same difficulties for children and their families.

Michelle Allison had explained to the Flying High group, that one proposition could be that those families accessing social worker support currently could remain with the same level of support, but that new families coming into the system could potentially get less support.

Members of The Flying High group thought that this was unfair. They said that everyone should be treated the same, even if it meant that those currently getting a service, got a bit less.

4. Continuing to improve transitions.

Most of the young people that we spoke to were keen that this should continue. Most of the young people were approaching, or currently experiencing transition to adulthood. [REDACTED] school really valued the input of their careers advisor. Young people from Flying High said that transitions and developing this was very important, as this can be a very worrying time when you are not sure what you might get or who will be helping you.

5. Continuing to improve the Local offer.

Young people think that this is a good way to get information. However, pupils had [REDACTED] school did not know about it. Those other young people mainly knew about the local offer only through Flying High. Perhaps this is something that needs to be looked at.

6. Continuing to support the participation of parents and young people through PACT and Flying High.
Obviously members of Flying high were pleased that the work they have been doing is valued and hope that it will be able to continue.
Other young people also thought that it was important to listen to what parents and young people have to say about services.
Some young people prioritised improving transitions services over listening to the views of Parents and young people.

Conclusions

- Overall, the limited number of young people that we spoke to who had experience of CRC's and family short breaks, preferred the family short break.
- Young people place a high value on leisure activities for building confidence and enjoyment. Those who have taken part in adventurous activities are enthusiastic and excited about the benefits of these activities. They also value highly the opportunities offered by activities such as Fuse theatre. All young people speak of friendships made and improvements in self esteem and sense of wellbeing they get from taking part.
- Social workers and family support workers are valued by the young people we spoke to. They are anxious about any possible reductions to service.
- Continuing to develop transitions is of high importance to young people.
- Further development of the local offer needs to include making sure that young people know about it.
- Being involved in this consultation has made them aware of the difficulties involved in making decisions about services. They thought very carefully of where to spend their money, and some young people found the whole process 'just too difficult'

Flying High Consultation Response

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| <p>1. CRC's versus family short Breaks :</p> <p>Of the young people consulted, not many had experienced staying in a CRC. For those young people (who had never experienced respite) their choices were based on their own feelings. They said that they thought they would prefer to stay in a family setting. They felt it would be more personal and that they would get more individual attention.</p> <p>We spoke to 3 young people at [redacted] school, 2 of whom, had experienced staying at [redacted] and in a family short break setting, and 1 who was in a family short break.</p> <p>All of these young people said that they preferred the family short breaks. The reasons were, that with their families they got to go out to the cinema or out for the day.</p> <p>1 young person from [redacted] had not enjoyed their family short break. They had not liked the family pet or got on with all members of the household.</p> <p>1 young person from [redacted] had experienced staying in a CRC. They said they had quite enjoyed staying there, and mostly enjoyed seeing and socialising with other friends there.</p> <p>Of the Flying High members spoken to, only 2 had experience of staying in a CRC. 1 young person had also experienced family short breaks. When asked which she preferred, she initially found it difficult to choose. However, ultimately she said that she preferred being in a family. She did say however, that she loved the staff in the CRC, and she loved meeting up with friends there. The other young person also said that she enjoyed the social aspect of staying in the CRC and meeting and playing with other young people.</p> | <p>The views of the child or young person are always taken into account if overnight short breaks are being considered.</p> |
| <p>2. Changes to funding for outdoor leisure centres :</p> <p>Several members of Flying High felt sad about this aspect of the report. They had been involved with helping to advise on making East Barnby more accessible and a boat had been named after one of the original members of the group.</p> <p>All young people that we spoke to, who had experienced the outdoor leisure centres, had really valued the experience.</p> <p>Members of Flying High had been with school or Ryedale special families. All said they had really enjoyed their times there. They had been with friends,</p> | <p>Funding for the provision for disabled children and their families at East Barnby Outdoor Education Centre commenced under the Government's Aiming High for Disabled Children programme. We recognise the contribution that the Flying High Group made to the establishment of the facilities at East Barnby.</p> |

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| <p>learned new skills and helped them feel more confident.</p> <p>Members of the PLP in Scarborough had been to East Barnby recently as a group. They had really valued this as they don't meet together as a group often. They felt it had given them a lot of confidence and been useful in building their team work skills. They had used the climbing wall and been canoeing. It had been really exciting. They would be very sad if they were no longer able to go on trips to East Barnby and feel that it is an important place for students to be able to visit.</p> <p>Several young people at [redacted] had been to East Barnby or Beverley on school trips. All rated their experiences very highly, talking about overcoming fears and becoming more confident. Many young people thought funding for these activities was important.</p> <p>The overall message from young people was that the chance to do adventurous activities is very valuable for disabled young people. When asked if they would use direct payments to go, there were mixed responses. Many young people did not know what they were or how they were used.</p> <p>Members of Flying High said that it may be difficult to use direct payments for 'one off' activities, as they were used for weekly, essential support needs. Members of Flying High also said that services needed to be there in order for you to be able to 'buy them'</p> <p>Several young people from [redacted] school and Flying High had experienced days out or residential, supported by Ryedale Special Families. They liked the idea of a similar group being started in Scarborough. However, young people in Craven and Selby feel that their areas are being 'neglected'.</p> | <p>Noted.</p> <p>We are proposing to widen the use of Direct Payments to allow young people or their families to purchase one-off arrangements such as this.</p> <p>This is a reference to the work to develop a Scarborough and Filey Special Families group, working with Coast and Vale Community Action, with advice and support from Ryedale Special Families. The greater involvement of the VCS is supported through the on-line questionnaire.</p> |
| <p>3. Proposed changes to social worker input to families.</p> <p>The majority of young people we spoke to placed high value on social worker input for their families. Young people have also experienced valuable support from family support workers, taking them out and helping to build their confidence. Concerns were expressed about how difficult it would be to get to see a social worker if they have not been in contact for a while. Comparisons</p> | <p>It is proposed that where a young person or their family requires or would like to see a Social Worker, then this would be enabled.</p> |

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| <p>were made to the difficulty young people currently have of accessing a social worker in adult social care and concerns that the proposals would make the same difficulties for children and their families.</p> <p>Michelle Allison had explained to the Flying High group, that one proposition could be that those families accessing social worker support currently could remain with the same level of support, but that new families coming into the system could potentially get less support.</p> <p>Members of The Flying High group thought that this was unfair. They said that everyone should be treated the same, even if it meant that those currently getting a service, got a bit less.</p> | <p>Noted.</p> |
| <p>4. Continuing to improve transitions.</p> <p>Most of the young people that we spoke to were keen that this should continue. Most of the young people were approaching, or currently experiencing transition to adulthood. [redacted] school really valued the input of their careers advisor. Young people from Flying High said that transitions and developing this was very important, as this can be a very worrying time when you are not sure what you might get or who will be helping you.</p> | <p>The group have been helpful in developing the proposals relating to a new Transition to Adulthood model. This was supported by 78 % of those who responded to the on-line questionnaire.</p> |
| <p>5. Continuing to improve the Local offer.</p> <p>Young people think that this is a good way to get information. However, pupils had [redacted] school did not know about it. Those other young people mainly knew about the local offer only through Flying High. Perhaps this is something that needs to be looked at.</p> | <p>Noted.</p> |
| <p>6. Continuing to support the participation of parents and young people through PACT and Flying High.</p> <p>Obviously members of Flying high were pleased that the work they have been doing is valued and hope that it will be able to continue.</p> <p>Other young people also thought that it was important to listen to what parents and young people have to say about services.</p> <p>Some young people prioritised improving transitions services over listening to the views of Parents and young people.</p> | <p>The Flying High Group is supported by the Local Authority through a contract with Barnados. It is proposed that this contract continue to be maintained.</p> |



North

Yorkshire County Council

Strategy to meet the care needs of disabled children, young people and their families

We are consulting on proposals to make changes to the services provided to children and young people with disabilities. By 2020, North Yorkshire County Council will need to have made savings of £168m from a starting budget of £500m. The disabled children's service will see a reduction of approximately £887k by 2020.

Given the money we will have, we are proposing to implement a strategy for meeting the care needs of children and young people with disabilities, which provides for more focused and targeted provision.

We are proposing to implement a strategy which will ensure that, across North Yorkshire, there is a sustainable system of support and provision for disabled children and their families, with no fewer families than currently receiving support to meet assessed needs. The strategy and the proposals for change and improvement will be supported by policies which promote the personalisation of support and provision, and more choice for parents and carers about how needs are met.

In order to help us make the best decisions, we want to know what you think about our proposals.

Please make sure that you have read the consultation background before completing this questionnaire. This information is available on our website at www.northyorks.gov.uk/careneedsconsultation.

The closing date for responses is 11th March 2015.

Engagement promise

This consultation has been planned in accordance with the North Yorkshire County Council engagement promise. This sets out what you can expect from us including using plain English and telling you what has been done as a result of the consultation. More details of the promise can be found online at <http://www.northyorks.gov.uk/article/23996/Consultation-and-community-engagement> including how to tell us what you think.

Freedom of Information

The County Council is subject to the Freedom of Information Act 2000. The County Council may be required to disclose publicly views that have been expressed to it but will take account of your privacy rights. For more information please contact Karl Podmore, Principal Disabled Children's Services Officer on 01609 536843.



Q1

How are you involved with disabled children, young people and their families?

Please select all that apply.

- I am a disabled child or young person
- I am a parent/carer of a child or young person who is currently receiving support from the Disabled Children's Service
- I am a parent/carer of a child or young person who is currently accessing a Children's Resource Centre
- I am a parent/carer of a child or young person who received a discretionary short break grant in 2014
- I am responding on behalf of an organisation
- I am employed by North Yorkshire County Council
- Other (please specify)

If you are a disabled child or young person, what age are you?

If you are a parent/carer of a child or young person who is currently receiving support from the Disabled Children's Service, what age is your child or young person?

If you are a parent/carer of a child or young person who is currently accessing a Children's Resource Centre, which Children's Resource Centre does your child or young person attend?

If you are a parent/carer of a child or young person who received a discretionary short break grant in 2014, what age is your child or young person?

If you are responding on behalf of an organisation, which organisation are you responding on behalf of?

Ryedale Special Families

If you are employed by North Yorkshire County Council, what is your job role?

If you are involved with disabled children and young people and their families in other ways, please specify how:



Q2 Please provide us with your full UK postcode.
We will use this information to help us understand if views vary in different areas.
YO17 7HD

Q3 Do you agree or disagree with the following statements?

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|--|-------------------------------------|-------------------------------------|----------------------------|--------------------------|-------------------------------------|
| Eligibility to services | | | | | |
| The Council should maintain the same eligibility criteria for access to the Disabled Children's Service. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Reducing the cost of individual packages of support | | | | | |
| If the strategy is agreed, the Council should review its indicative service response guide with a view to reducing the financial value of all new packages of support for disabled children entering the service. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| A revised indicative service response should be used for all children open to the Disabled Children's Service with a view to reducing the financial value of existing packages of support (following a review of each case). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Improving local provision through the development of family based short breaks | | | | | |
| The Council should increase the number of foster carers offering overnight short breaks in the local community. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Children's Resource Centres | | | | | |
| As the number of family based short breaks increases, the Council should consider closing one of its Children's Resource Centres. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|--|-------------------------------------|-------------------------------------|----------------------------|--------------------------|--------------------------|
| Reducing bureaucracy and offering more choice and control | | | | | |
| The Council should reduce the level of bureaucracy attached to less complex children and spend less time overseeing these cases. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Discretionary provision | | | | | |
| The Council should cease to grant fund East Barnby Outdoor Education Centre for the services it provides to disabled children and young people. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| The Council should continue to provide discretionary short break grants to less complex disabled children and young people. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Supporting more effective transition to adulthood | | | | | |
| The Council's proposed approach to improve the transition of disabled young people into adulthood is the right approach to take. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengthening local communities | | | | | |
| The Council should help to strengthen the role and support provided by the voluntary and community sector to disabled children and young people. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioning and contracting | | | | | |
| The Council should try to attract more organisations and companies to provide services for disabled children, young people and their families. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



Q4 Please tell us any other comments you would like to make about the proposals or their likely impact.

RSF Trustees welcomed the efforts to reduce the impact of cuts and to give greater choice in how services were delivered. In particular they welcomed increasing the opportunities for overnight short breaks and proposals for improving transitions into adulthood. However, they had two main areas of concern. The first related to the proposal that new support packages have a reduced budget. They felt that the LA's legal requirement in relation to assessment should be needs led rather than be dictated by available provision. If retained this proposal could be subject to challenge through the Judicial Review process. Secondly they welcomed the retention of discretionary Short Breaks but were concerned at the level of cut and how a new scheme would be administered. It would be difficult to identify priority children and therefore there was a danger that smaller grants would have less meaningful impact. The cut could be a false economy and result in greater access to costly statutory support.

Q5 Please tell us about any other ways the Council could make savings in the budgets for disabled children, young people and their families.

RSF Trustees welcomed the opportunity to be involved in the production of the draft strategy and to highlight inefficiencies in the present system. The provision of more choice of overnight provision offers the greatest saving and we support the development of family based and domiciliary opportunities to carry this out. We also highlighted the anomaly of the higher costs of administering discretionary Short Breaks compared with statutory support through DCS. We feel there are greater opportunities for voluntary sector involvement in Short Breaks. We therefore support the strengthening of local communities and very much welcome the Councils initiative to develop a parent support group in Scarborough. RSF has been delivering short breaks for this grouping of families since before statutory sector involvement through Aiming High. It will take time to develop this capability more widely but the voluntary sector has the ability to fund and deliver creative discretionary support.

Q6 Please tell us what the Council can do to make it easier for families to access Direct Payments and make good use of them.

RSF is supportive of the Direct Payments system and recognises the benefits that it can bring to families. It also recognises that there are significant barriers to increasing take up. A key one is that hard pressed parents have to take on employment responsibilities and in the event of a problem they can be put in a vulnerable position. We are aware of two families for whom the Direct Payment system has not worked well and where confidence in it has been damaged. These negative experiences are often shared between parents and barriers to take up increase as a result. Direct Payment workers can also be put in a vulnerable position which may hinder the recruitment of high quality staff. As a consequence parents may play safe and have services delivered by providers who meet the requirements of the Care Quality Commission. We feel that certain issues around Direct Payment workers need more careful scrutiny in order to reduce these barriers. RSF is prepared to be involved in this process.



North

Yorkshire County Council

Q7

Please tell us any other comments you would like to make about the services and support provided by the Council to disabled children, young people and their families.

RSF notes the recent judgement by Justice Mostyn on Warwickshire County Council's Local Offer consultation where he said that the Council was in breach of its legal duty maintain to maintain a single register of disabled children. No such register exists in North Yorkshire and the lack certainly makes it more difficult to make informed decisions on social care provision, particularly in relation to discretionary Short Breaks. We are aware of the workload of such a requirement and are happy to make a contribution towards its development, working alongside NYPACT.

Thank you for taking the time to give us your views.

Please send your completed questionnaire back us at:

North Yorkshire County Council
Access and Inclusion
County Hall
Northallerton
North Yorkshire
DL7 8AE

Ryedale Special Families

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| <p>RSF Trustees welcomed the efforts to reduce the impact of cuts and to give greater choice in how services were delivered. In particular they welcomed increasing the opportunities for overnight short breaks and proposals for improving transitions into adulthood.</p> <p>However, they had two main areas of concern. The first related to the proposal that new support packages have a reduced budget. They felt that the LA's legal requirement in relation to assessment should be needs led rather than be dictated by available provision. If retained this proposal could be subject to challenge through the Judicial Review process.</p> <p>Secondly they welcomed the retention of discretionary Short Breaks but were concerned at the level of cut and how a new scheme would be administered. It would be difficult to identify priority children and therefore there was a danger that smaller grants would have less meaningful impact. The cut could be a false economy and result in greater access to costly statutory support.</p> | <p>Noted.</p> <p>The proposal to reduce the financial value of all new packages of support for disabled children entering the service was not supported by over two thirds of on-line respondents.</p> <p>The proposal to continue to offer short breaks grants was supported by two thirds of respondents to the on-line questionnaire Following the Council's decision on the draft strategy it will be necessary to consult on a revision to the Short Breaks Statement which would clarify how these grants, and the number available, should be administered including the overall level of grant to be provided.</p> |
| <p>RSF Trustees welcomed the opportunity to be involved in the production of the draft strategy and to highlight inefficiencies in the present system. The provision of more choice of overnight provision offers the greatest saving and we support the development of family based and domiciliary opportunities to carry this out.</p> <p>We also highlighted the anomaly of the higher costs of administering discretionary Short Breaks compared with statutory support through DCS.</p> <p>We feel there are greater opportunities for voluntary sector involvement in Short Breaks. We therefore support the strengthening of local communities and very much welcome the Councils initiative to develop a parent support group in Scarborough. RSF has been delivering short breaks for this grouping of families since before statutory sector involvement through Aiming High. It will take time to develop this capability more widely but the voluntary sector has the ability to fund and deliver creative discretionary support.</p> | <p>Noted.</p> <p>Noted</p> <p>Noted. Over 80% of respondents to the on-line questionnaire supported a strengthened role for the VCS. The intention to further assist the Voluntary and Community sector in its work to support disabled children and young people and their families resonates with the Stronger Communities initiative. The Council has recently been able to support the development of a special families group in Scarborough and Filey working with Coast and Vale Community Action and supported by Ryedale Special Families.</p> |
| <p>RSF is supportive of the Direct Payments system and recognises the benefits that it can bring to families.</p> | <p>Noted.</p> |

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| <p>It also recognises that there are significant barriers to increasing take up. A key one is that hard pressed parents have to take on employment responsibilities and in the event of a problem they can be put in a vulnerable position. We are aware of two families for whom the Direct Payment system has not worked well and where confidence in it has been damaged. These negative experiences are often shared between parents and barriers to take up increase as a result. Direct Payment workers can also be put in a vulnerable position which may hinder the recruitment of high quality staff. As a consequence parents may play safe and have services delivered by providers who meet the requirements of the Care Quality Commission. We feel that certain issues around Direct Payment workers need more careful scrutiny in order to reduce these barriers. RSF is prepared to be involved in this process</p> | <p>Noted.</p> <p>We are further investing in the Direct Payment Support Service which can offer a range of information, advice and support to parents and carers in relation to direct payments.</p> |
| <p>RSF notes the recent judgement by Justice Mostyn on Warwickshire County Council's Local Offer consultation where he said that the Council was in breach of its legal duty to maintain a single register of disabled children. No such register exists in North Yorkshire and the lack certainly makes it more difficult to make informed decisions on social care provision, particularly in relation to discretionary Short Breaks. We are aware of the workload of such a requirement and are happy to make a contribution towards its development, working alongside NYPACT</p> | <p>The development of a single register of disabled children from the current separate Local Authority registers is well advanced. We will discuss the further development and maintenance of the register with NYPACT later this summer and consider issues relating, for instance, to data sharing</p> |

North Yorkshire County Council Care Needs Consultation
(Closing date 11 March 2015)

A consultation response by Save North Yorkshire Disabled Children's Services
10 March 2015

About Save North Yorkshire Disabled Children's Service

We are a group of 76 parents and carers who have come together to oppose the proposed cuts to the Disabled Children's Service in North Yorkshire. We believe children and their carers should be able to access an adequate short breaks service in order to help them live ordinary lives.

Since the group formed on January 11, 2015 we have:

Gained 76 members via Facebook
Achieved a maximum total reach of 400 people via Facebook
Run a petition asking the Council not implement the proposals, achieving 656 signatures (attached with comments)
Held a meeting with Andrew Jones MP, who has pledged his support
Sent every Councillor a briefing on the cuts prior to the full council budget meeting on February 18, 2015
Attended the full Council meeting on February 18, 2015
Made links with other parent/carer groups in North Yorkshire
Attended consultation meetings
Achieved full page coverage in The Harrogate Advertiser
Made a Freedom of Information Request
Conducted a survey on family views of North Yorkshire social care services for disabled children

Background

Legal position

Every Local Authority has a statutory duty under section 17 of the Children Act 1989 to:

- a) ...safeguard and promote the welfare of children within their area who are in need; and*
 - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,*
- by providing a range and level of services appropriate to those children's needs*

Every disabled child is a child in need under s.17 Children Act 1989 and 'disabled child' carries a very wide definition.

Under the Carers of Disabled Children's Regulations 2011 every Local Authority is legally bound to provide a range of short break services as one of the ways it must meet its duties under s.17.

Every Local Authority must provide services '*designed:-*

to minimise the effect on disabled children within their area of their disabilities;
and

to give such children the opportunity to lead lives which are as normal as possible; and

to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring'

Every Local Authority has a duty to identify and assess disabled children for social care services under s.17 Children Act 1989 and Schedule 2 Chronically, Sick & Disabled Persons Act 1970.

The Government has issued a Framework for Assessment which provides regulations about how assessments should be carried out and the timescales for doing so.

The Local Authority must provide a carer's assessment to all those providing a substantial amount of care on a regular basis under The Carers (Recognition and Services) Act 1995

What are short breaks?

Short breaks (respite) are a vital service and an effective way of preventing families reaching crisis point and costing the Council much more money. Short breaks offered by Councils must include the provision of day, evening, overnight, weekend and school holiday services to assist carers as well as educational or leisure activities for the child or young person. Short breaks can take place in the child's own home, the home of an approved carer, or in a residential or community setting.

Aiming High for Disabled Children

From 2008 to 2011 North Yorkshire was a Pathfinder for 'Aiming High for Disabled Children' ('*Aiming High*'), a programme which followed a Parliamentary review of services for disabled children in 2007. *Aiming High* sought to give every disabled child the best possible start in life and the support they and their families needed to make equality of support a reality.

Since 2008 there has been huge Government investment in short breaks (approx £2.5 billion). In 2011 'Together for Disabled Children' reviewed short breaks from 2008 and found: 105,000 more disabled children receiving short breaks; a 200% increase in the number of children with the highest needs receiving short breaks; and an additional 193,000 nights and 8 million daytime short breaks hours (135% increase).

With a change of Government, Local Authority spending for short breaks was no longer ring-fenced but the Coalition Government committed to continue the work of *Aiming High*. It made £800 million available through Early Intervention Grants between 2011 and 2015. The expectation was that Local Authorities would maintain spending levels on short breaks and continue the vision of *Aiming High*. The Government issued guidance to support this view in March 2011¹. The guidance was clear that short break provision was not just for carers who could not continue to care without a break ("crisis" provision), but for parents whose ability to care for their disabled child would be "enhanced" by a short break; a "broad spectrum of families". In essence the intention was that families with disabled children should be supported to live ordinary lives; to thrive not just survive.

In North Yorkshire *Aiming High* investment led to a year on year increase in the number of families accessing short breaks from 432 in 2008/09 to 607 in 2010/11. Since 2010/11 the number of children open to the Council's disabled children's team has dropped to 459². These figures are puzzling. The Coalition Government urged Councils to continue funding at the same level, and the Council did not change the eligibility criteria. The number of disabled children needing help has remained relatively stable over the period. So what criteria did the Council use to provide services to these additional families? On what basis did it then remove services? It is difficult not to draw the conclusion that the eligibility criteria were somehow relaxed to accommodate the additional *Aiming High* funding, and then tightened again after a decision was made to cut funding - without any public statement or consultation taking place.

The figures show that the *Aiming High* programme has already been rolled back by the Council, before the proposed 'official' cuts have been made. In terms of the number of families receiving short breaks, it is as if the programme never existed and services have been put back by a decade. This is despite the Council saying it not only wanted to protect short breaks at peak 2010/11 levels but to further "*improve all aspects of provision including short breaks...to enhance local access to opportunities*"³. At that time it also recognised there was likely to be an increase in demand for Short Breaks provision. The consultation is, however, silent on this.

Previous cuts

¹ Short breaks for carers of disabled children, Departmental advice for local authorities, March 2011

² North Yorkshire's Strategy for Special Educational Needs and Disability 2011-14

³ *ibid*

The Service has already seen a cut of £500K from its budget in the last three years. The consultation document says this has not affected frontline services but as 150 fewer families now receive help than in 2010/11 the figures do not support the Council's assertion.

Current Position

Number of families receiving help

There are approximately 3300 children in North Yorkshire who have special educational needs (SEN) requiring "high needs" funding in school or college, as defined by the Government. There are many more disabled children without SEN who also have significant needs.

As the Council has set its eligibility criteria for short breaks at a high level, it provides short breaks to only 460 children (14%) through the Disabled Children's Service (DCS). These services range from 2-3 hours per week of help to a number of nights of overnight care a month. A further 380 children (12%) who are not eligible for short breaks from the DCS receive a discretionary grant of £500 per year which can be spent, for example, on purchasing help from a care provider. The cost of help for disabled children is so high that £500 does not buy one hour's care by a personal assistant per week over a year.

When the Council says it wants to provide a 'targeted service' this is a euphemism for providing help to a very small proportion of extremely disabled children. Over 2500 (75%) of high needs children currently receive no social care help at all. In North Yorkshire short breaks are not available to a "broad spectrum" of families caring for disabled children; many families are not being helped to live "ordinary lives" as the 2011 Coalition Government guidance recommends.

Social Care Assessments

In law every disabled child, regardless of the severity of their disability is entitled to an assessment. Our survey reveals that is not happening. Often eligibility criteria are invoked before, not after, the assessment is undertaken.

Families report difficulties accessing an assessment and lengthy delays in assessment. These results contradict the official statistics reported by NYCC social services to Councillors and the Government that the DCS manages referrals in a timely way in the majority of cases.

Consultation process

At consultation meetings Officers told parents that there had been extensive consultation on these proposals in 2013/14 with NYPACT, Harrogate National Autistic Society and Ryedale Special Families. Harrogate NAS confirm there has been no consultation with its group. NYPACT committee members have been involved in discussions as individuals but have not involved their wider membership (for example through newsletters, surveys or feedback to members from meetings attended). This strategy consultation and the £880,000 budget reduction has come as a surprise to the vast majority of families affected.

Questions to the Council

Save NYDCS wrote to Councillor Tony Hall, Executive Member for Children's Services, on 4 February asking for further information regarding the proposals and for assurances that the Council had taken its legal duties fully into account when formulating the proposals. We were disappointed to receive a partial response on 21 February which gave specific answers to only three of the 18 questions and invited us to find for ourselves the answers to a further three questions in the Council papers from the February 18 budget meeting of the full Council. We were promised a response to the remaining 12 questions by 10 March, just one day before the consultation ended.

As the Council papers are of a highly technical nature and number over 500 pages, we wrote again requesting clarification, asking for specific answers and for a quicker reply to enable us to use the answers in our response to the consultation. In a reply on 8 March, Mr Hall declined to answer the remaining questions and did not acknowledge our request for clarification. We were very disappointed with this approach.

Eligibility Criteria and Unmet Need

Many families who do not qualify for Council support are struggling to cope. They have children with significant disabilities and challenges including sleep problems, aggressive behaviour towards family members and property and self-injury. Families suffer from poor physical and mental health, sleep deprivation, struggle to work or sometimes reach crisis point. If families reach crisis point, children may have to be taken into care or found residential special schools places.

As far as we are aware the Council has not undertaken any financial risk assessment should families be driven to crisis as a result of the proposals. To give some idea of the risk, the cost of providing long-term residential care has been estimated at £2428 per week (2009 figures)⁴. Evidence shows that services like short breaks that give families a break from caring reduce the need for such costly interventions. If only a handful of families are pushed to this point the majority of savings would disappear.

Families may also pay the price through family breakdown and poor mental health. Please see our Survey section for further details.

Most families receive a very modest level of services, but even a few hours a week is highly valued.

Recent high profile cases in the media of families who have not been well supported show how lack of support can end in tragedy for families, and reputational damage to local authorities.

Funding position

The Council's funding position is challenging but we believe the Council should be looking elsewhere to non-statutory services for cuts, not to this most vulnerable of groups. As such a small group families with disabled children are never going to receive the same level of support as a universal service like libraries, nor have the same political clout. The Coalition Government made plain in its 2011 guidance short breaks should be maintained at existing spending levels and that it believed it had provided the necessary funds to enable Councils to do so.

The Council says it spends more than average on disabled children services. Our survey does not support that families are receiving excess services. If there are added costs these may be explained by local factors such as the size and rural nature of the County or by transport costs, rather than families receiving a higher level of services.

Joint Strategic Needs Assessment for Autism

The eligibility criteria to access short breaks means many children with disabilities are excluded from the DCS, for example those with 'high functioning' autism, ADHD and Asperger's Syndrome. This is the case even though the Council has itself identified these children as having unmet need in its Joint Strategic Needs Assessment, and despite being included in the definitions of disabled children and children in need. The JSNA (Topic Summary - Autism)⁵ says:

Unmet need: Children.

Support for parents, carers, family and siblings e.g. at time of crisis, weekends and school holidays is limited. Specialist teachers are employed on Teachers' Pay and Conditions and work term-time only. Children and young people frequently do not meet the criteria for 'short breaks', particularly those with a diagnosis of Asperger syndrome. Links with CAMHS, Disabled Children's Services and Children Social Care need developing further. Universal services require additional support and training to enhance their knowledge and understanding of autism.

A label of "high functioning" or Asperger's does not necessarily mean a child has needs that are any less challenging for carers than a child labeled as "low functioning"; merely different ones. Treating this group of disabled children differently is concerning and out of step with the law for adults (Care Act, Autism Act). It shows a lack of understanding of the care needs of those with 'high functioning' conditions, a myth successfully challenged by the National Autistic Society in its 'Careless' campaign which led to significant changes to Care Act Regulations and Guidance.

Whilst a child may have a single label, often they have multi-faceted needs (as our survey shows). Proper understanding of a child's needs and the impact on their carer can only be established via thorough assessments by social workers experienced in autism and other 'high functioning' conditions. In North Yorkshire if this 'high functioning' group succeed in getting an assessment at all, it is with a general children's

⁴ The social and economic value of short breaks, NEF Consulting, 2010

⁵ www.nypartnerships.org.uk/index.aspx?articleid=26760

social worker, not a disabled children's social worker. From the start the presumption is these children have 'mild' needs and are unlikely to require short break services.

Support for Carers

The Council's consultation is silent on the help it currently provides family members (rather than the child) in order to promote the child's welfare under the Children Act 1989⁶. The Council has a statutory duty to assess carers in their own right regardless of the severity of their child's disability, but does not mention this in the strategy. The Council has no other budget for carers of disabled children so the implication is assessments will only be funded on the basis of the severity of the disability, not (as required by the Framework for Assessment / Carers Regulations) taking into account the family context as a whole. There are many situations where even a mild or moderate disability can have a significant impact. For example where there is more than one disabled child in the household (none of whom may meet the Council's high threshold for services individually), where the carer is a single parent or lacks family support, where the parent has a disability or mental health problem themselves or has to care for another relative.

While the Care Act is bringing new rights for carers of adults, carers of disabled children are being left behind by the Council. Families caring for disabled adults have told us how adult social services are approaching them to offer carers grants for the first time, while children's social services intend to cut back on grants offered.

Rising demand for Social Care Assessments

Recent changes to the law on special educational needs will require every child with a Statement of SEN or Learning Difficulty assessment to transfer to an Education, Health and Care Plan by 2018. We consider this will create more work for DCS, at a time when staffing is being cut. The success of the new EHC system depends on all three agencies working together, completing joint assessments and considering the needs of the family as a whole. As only a small percentage of those with Statements and LDAs currently have social care involvement, we consider there is the potential for a significant increase in demand for assessments and attendance at transfer and annual review meetings. This is not recognised or costed by the Council in this consultation.

Social Care Survey

Between 23 January and 9 February we ran an online survey using Survey Monkey which was promoted through Facebook. We asked parents and carers living in North Yorkshire 10 questions about the availability and quality of social care services including short breaks. It was aimed at families that didn't receive services as well as those that did. 49 parents or carers responded.

Underestimating need?

Rather than give children just one label we asked parents to tick all the following areas that applied:

- Autism / Aspergers
- Speech, language and communication difficulties
- Specific learning difficulties
- Cognitive or learning needs
- Mental health difficulties, anxiety, phobias
- Sensory impairments
- Physical needs
- Behavioural, emotional or social needs
- Challenging behaviour including aggression, self injury, repetitive or obsessive behaviours
- Health or medical needs
- Sleep problems
- Other

47 parents identified 347 categories, meaning each child had difficulties in an average of 7 different areas.

73% of children had sleep problems and of these 60% of parents said the sleep problems were severe. 68% of parents reported feeling extremely tired all the time.

⁶ Children Act 1989, Schedule 2, Part 1(6)(c)

80% of parents reported their child as having challenging behaviour.

This suggests that identifying children by their main diagnostic label or labelling them as 'high functioning' does not fully reflect the level of care required or the impact on the family. Only an adequate assessment can identify the whole range of needs and full impact on the carer, but we found that many families were turned away from the service without getting a detailed assessment.

Gatekeeping

90% of parents of disabled children who answered our survey told us they had experienced difficulties in obtaining an assessment or support from social services:

8% were told by the Council their child could not have an assessment (even though every disabled child is automatically a child in need and entitled in law to an assessment).

21% were told the Council had no money to provide the support requested (although lack of funds is not a legitimate reason to refuse services where the eligibility threshold is met).

31% were told their child did not meet the eligibility criteria for services.

51% were told the Council had no services that met the family's needs.

10% had services refused without any reason being given.

Respondents said:

'I have never been made aware of what services are available to support us'

'were given respite which was promptly taken away and now been told our son does not meet criteria for overnight respite'

'used to receive services but now not eligible'

'its very limited, support families receive is not consistent, it depends on who does your assessment'

Only 40% of parents had been offered a carers assessment and some only received this because they asked or as a result of a complaint.

Delays

Some parents complained about delays in assessment and a slow response to put in services:

'We waited over two years from when our family support worker asked her manager to give us a core assessment. They brought in an agency social worker to do it, and put the date she started work on our case as the date the process started! Its now nine months after the assessment started and we still don't have a decision or plan about what services we will receive. The dates they publish for completing core assessments are clearly inaccurate'.

'taken months just for an assessment'

'when you phone no-one ever gets back to you'

'it took 18 months for short breaks to be sorted out'

Supply

Many parents said even when they were eligible for services they did not receive any due to lack of supply:

'they stated there are no services in our area for him to access even though his core assessment states he requires social activities'

'nothing available for severe autism'

'they just don't offer it'

'told nothing available for under fives'

Services availability for severely disabled children or challenging behaviour

Given only 14% of high needs children are accessing disabled children services we expected a high number of families to say their child's needs were not severe enough to meet the eligibility criteria. 30% of families that responded to our survey said this. We were however surprised to find that a significant number of families did not receive services because their child's needs were too severe for available services:

'Facilities focused on moderate level requirements. Nothing available for severe autism'

'My son was considered too severe to be placed in North Yorkshire short breaks service'

A recurrent theme in our survey was how services were not available or adequately trained to deal with challenging behaviour. 80% of parents described their child as having challenging behaviours with 40% of parents described this as severe challenging behaviour. (We defined challenging behaviours as including aggression, self injury, repetitive or obsessive behaviours, disruptive and destructive behaviours):

'No respite care provided during intense period of challenging behaviour'

'I had good support whilst my child was younger but when he became much more challenging extra services were very hard to access'

'No service locally in the County'

'We couldn't find any reliable carers with the right skills, eventually social care increased the direct payment hourly rate so we could use a care agency but their staff don't have enough training to manage challenging behaviour either. Its really hard to find carers, I don't feel he is safe with the carers the agencies are able to provide.'

What services are provided?

37% have received support for a sibling from the young carers service
20% received support via an after school or holiday club
20% received direct payments to choose their own support
13% of children received access to a leisure activity
13% of carers received a short break as a carer
13% received overnight respite in a CRC
13% received overnight respite with a foster carer
7% received domiciliary care / day care
7% received a cash grant
3% received a sitting service

Overnight respite capacity

One of the key ways the Council intends to make financial savings is to close two Children's Resource Centres (CRCs) and replace current capacity by recruiting more foster carers or domiciliary care.

Our survey shows that respondents do not believe CRCs are currently meeting demand and are not flexible enough for families' needs:

'they only offer overnight respite on Mondays, Thursdays and Saturdays but didn't give a reason why they don't open the other evenings'

'overnight respite was cut when Barnardo's lost the contract as social services were unable to find a replacement family!'

'eventually I received out of county overnight care'

'we receive respite from CRC but when asking for more respite they said they are full'

'The main difficulty is finding support over the holidays particularly over Christmas when CRC is closed for 2 weeks'

It is difficult to see how domiciliary care or overnight foster care will be an adequate replacement for children with severe challenging behaviour (who are often assessed as needing 2:1 support) given these families already struggle with support from CRCs. We would hope that these children have not been identified by the Council as those suitable for transfer from CRCs.

'I fear that the CRC services will be cut and this will have an extremely detrimental effect on my family. Without this support I do not feel we could look after our child and our only option would be full time residential care costing the council far more than breaks at present'.

Lack of choice

65% of families that did receive services said the services did not meet their family's needs, there is not a good choice and services were not flexible:

'its very limited'

'you are given set dates 4 weeks in advance so its not very flexible to your needs'

'little choice and no flexibility'

'there needs to be more access to other things for children and their parents too'

'services currently meet needs but not a good choice'

Impact of lack of support

Our survey echoes the 2007 Parliamentary Report findings that when families do not receive the right services (currently or in the past) this has a huge impact:

68% of respondents said they were debilitated by lack of sleep

66% said their relationship with their partner was under strain due to lack of services

13% felt at crisis point

11% blamed the stress of caring with inadequate support for their relationship breaking down

65% said lack of support had a negative impact on siblings or other dependents

55% said their physical or mental health had suffered

55% felt socially isolated

11% of parents had self harmed or contemplated suicide

39% said their disabled child suffered anxiety through lack of support, with 9% reporting mental health problems resulting from the lack of support

14% said a lack of early help had led to their child having higher needs in the long term

2% said lack of support had meant their child going into residential care

'Life is a battle with no respite and no hope'

Only 9% of parents said they had the support they felt they needed:

'We received the short breaks grant which meant we could use the money to pay for a holiday club during the summer giving us some respite'

'Excellent home where my son goes'

'We get 3 hours a week direct payments and have a carer take my son out. It makes such a difference to his brothers to have our full attention for a change and get to do activities other children take for granted but which we have to organise and plan for when their brother is not around. Weekends and holidays are exhausting as my son with autism needs constant supervision and struggles to occupy himself; that 3 hours is gold dust and helps us all keep going'.

Financial difficulties

Many families rely on social care providing services because they cannot afford to fund care or short breaks themselves. It costs three times as much to raise a disabled child as a child without impairments.

Nationally, 4 in 10 Disabled children live in poverty.

Only 19% of respondents to our survey were in paid work and only 4% were both in paid work and able to work as many hours as they wanted to.

Only 13% of families in our survey could access universal childcare providers and only one family could access this on the same basis as other families without putting in extra training or funding 1:1 staff.

50% of parents said they could not work due to there being no childcare options available, although the Council has a statutory duty to ensure there is sufficient childcare for all families, including those with disabled children.

Council Proposals

Reducing provision for existing or new families

The Council wants to reduce the amount of help it gives to all families who are new to the DCS. It has said that the services provided to these new families will be assessed as needing 20% less using a revised indicative service response guide. For example, from 8 hours help per month under the current guide to 6 hours, but, crucially, these families would still have the same level of need.

Councillor Tony Hall (Executive Member for Children's Services)) says these proposals represent an improvement on the current position and said '*I can't find the word cuts in this consultation*'. A reduction of 20% in services received by the family is not an improvement.

Disabled children and their families have protected characteristics under the Equality Act. The Council is proposing to treat new families differently to those currently receiving services. This would potentially be discriminatory, and is recognised as such by the Council in its 2020 Review of Care Provision for Disabled Children, and their Families ('2020 Review'), in which the Council sets out various options for cutting the service:

Deliverability: Difficult to deliver given the problem in designing and applying different criteria for disabled children compared to other Children in Need . Easy to challenge because of different treatment of a Protected Group

Risks: High: Potential for legal challenge as it raises the criteria to a point above that applied by Children's Social Care and the Vulnerability Checklist, treating Children in Need differently because of their disability... Risk of upheld Children Act Complaints, involvement of LGO and Judicial Review

The Council has a legal duty to provide services for assessed needs that have been identified where it is 'necessary'⁷ i.e. where an intervention will be required⁸ to meet the Council's duties under the Children Act, Chronically Sick & Disabled Person's Act and The Breaks for Carers of Disabled Children Regulations. The Council must assess what is necessary on an individual basis, it cannot set maximum thresholds or pre-determine what a family requires, this would fetter the Council's discretion.

The Council has not yet set out a draft revised indicative service response guide, or explained how it knows that new families will require fewer services that cost less. It says there will be a further short breaks consultation later in the year, but if the budget has been reduced then it is difficult to see how this will be a consultation where there is any genuine ability to influence the outcome.

It is also suggesting that it is considering reducing the provision by 20% for all families currently using the service, although this is not in the Equality Impact Assessment or Draft Strategy. It is suggested as an option in the online questionnaire. We are concerned that should the proposal to transfer overnight care from Children's Resource Centres fail, and the anticipated savings are not made, the Council will look to cut

⁷ Chronically Sick & Disabled Persons Act 1970, Section 2 (CSDPA)

⁸ Framework for the assessment of children in need and their families (policy guidance), TSO 2000

services to existing families to make up the shortfall. The Council has acknowledged this is not a sustainable policy as it must realistically meet the assessed needs of the family. The *2020 Review* states:

Deliverability: Difficult to deliver given the legal problems in cutting services on a percentage reduction rate which may be unrealistic to meet assessed need. Easy to challenge because of the arbitrary application of service cut

Risks: High: Potential for legal challenge. Services provided following assessment must be 'realistic to respond to assessed need'. Imposition of arbitrary cut is not sustainable and easily challengedRisk of upheld Children Act Complaints, involvement of LGO and Judicial Review

The *2020 Review* sits uneasily with the Foreword to the Draft Strategy, in which Councillor Tony Hall and Pete Dwyer (Corporate Director of Children's Services) together write:

We are very mindful of the legal duties which are placed on the Council and will ensure that they are adhered to. Just as importantly, we are mindful of the collective moral purpose which sits at the heart of our Children and Young People's Plan which emphasises our commitment to the right opportunities and experiences for every child.

Transfer from Children's Resource Centres to Foster/domiciliary care

The Council wants to cut the majority of the money (£500k) from the DCS by transferring overnight respite care for approximately 40 of the most disabled children from Children's Resource Centres (CRCs) to foster carers and home care, and close two CRCs. The Council only opened a new CRC (Beck House) in late 2010 (with *Aiming High* funds), which is another example of how recent gains are being eroded.

We believe that some families would welcome the option of using foster care or domiciliary care in preference to a CRC. Some families would not. It is our view that families should have a choice as to the type of provision they would like to use, it should not be forced upon them by the Council. Families would be making a choice based on what they think would best suit their own circumstances. They should be recognised as experts in their own children, on a par with social care professionals. Their insight and preference would mean the chances of overnight respite care being successful are much greater than if the Council goes against their wishes.

According to our survey and some of our member's experiences, CRCs operate waiting lists and struggle to make up lost nights (eg through bad weather or staffing problems), which would indicate a shortage of capacity. The Council responded to a Freedom of Information request asking about the number of nights each CRC was unable to fulfil with the following statement:

The Ghyll - The number of requests for overnight care The Ghyll CRC was unable to fulfil was NIL.

Nidderdale Children's Resource Centre, including Beck House, only closed the units for Grand Depart or if a child could not attend for sickness or for staff shortages. In these cases they arranged alternative dates for young people to visit so that the terms of their agreed package were met. These figures were not routinely recorded on a separate database.

Morton on Swale - The number of requests for overnight care Morton on Swale was unable to fulfil was NIL.

May Lodge - There were some closures during 2014 due to staff shortages. In these cases they arranged alternative dates for young people to visit so that the terms of their agreed package were met. These figures were not routinely recorded on a separate database.

If our respondent's experiences reflect a wider problem, and the Council has based its estimate of number of foster carers needed on number of night's supplied, rather than demand, then the number of foster carers the Council intends to recruit may be an underestimate too.

Foster carers are very difficult to recruit, even before considering the specialist needs of disabled children. A report in 2009⁹ found there was a long standing national shortage of 10,000 foster carers, with an acute shortage of foster carers for disabled children. These shortages can exacerbate the mismatch between foster carers and child leading to a higher rate of placement failure. Breakdown of placements can be more common compared to CRCs because carers may be less resilient and may not have comparable specialist training, support or experience of a CRC team. The report found a turnover of around 10% of foster carers annually.

Following a Freedom of Information request, the Council acknowledged it has no experience of recruiting foster carers specifically for disabled children and it has not undertaken a feasibility study to satisfy itself that the proposal is workable. It has no way of knowing whether its proposal is realistic or achievable. This is deeply worrying.

However it has set aside £300k of capital funding in order to adapt foster carers homes to accommodate disabled children. If we assume a turnover of foster carers of 10% per annum, the Council will have to find ongoing additional funds in order to make adaptations to new carer's homes in future years which it has not included in its budgeting. It will also need to meet the costs of running a continuing advertising campaign in order to maintain the necessary number of foster carers, which is also un-costed.

The Council has stated:

"children who continue to use CRCs will have their packages managed significantly more robustly, packages will not increase without re-assessment and high cost placements will be explicitly managed as an alternative to care"¹⁰

This would seem to indicate an intention to reduce provision over the long-term for this vulnerable group, despite these families being entitled in law to having services that realistically respond to the assessed need, once they have crossed the eligibility threshold

It appears that high cost placements will only be offered where the alternative is the child going into care. The law and regulations are clear short breaks should be used as early intervention to help families thrive, not only when the situation reaches a crisis.

Discretionary Short Breaks Grants

Discretionary grants are to be cut by almost half and capped to 200 children (6% of high needs children) from the current level of 360, taking the number of families helped back to pre-2012 levels. We oppose this proposal on the grounds that the grant is modest and a cost effective way of providing early intervention services. It is a gateway to social services with an easy referral process. The grant scheme means families caring for children with significant disabilities (who should perhaps be receiving statutory short breaks) are more easily identified. Removal of the grant is likely to lead to an increase in families seeking assessment for statutory short breaks. Aggressive gatekeeping of assessments and services is also likely to increase the risk of legal challenge.

Cuts to Outdoor Centres

The Council intends to end the grants to Bewerley Park Centre for Outdoor Education and East Barnby Outdoor Education Centre that enable disabled children to access these facilities. The Council has duties under the Equality Act that include the need to advance equality of opportunity for disabled people, which would seem to be at odds with this proposal. Some children can only access leisure opportunities if there is specialist equipment available. For example while there are local climbing walls available, none have the hoist system available at East Barnby. Again it is undoing the progress of *Aiming High* that widened participation to the most severely disabled children.

Reduction in contact with social work professionals

The Council is proposing reducing the involvement of social work professionals with approximately one third of families who receive lower level services from the DCS. As the DCS only accepts families who have

⁹ https://www.fostering.net/sites/www.fostering.net/files/public/resources/reports/age_of_foster_care.pdf

¹⁰ 2020 Review of Care Provision for Disabled Children and Young People, and their Families

significant needs into its service we believe this has the potential to have a detrimental effect. Some families may welcome fewer visits but others may want greater involvement, for example DCS to attend their annual review or EHC transfer.

The Council says social care needs will be discussed at annual reviews and if a social worker needs to become re-involved that will happen. But will the social worker have visited the family before the review? Or have prepared a report? Or have seen the child? Or attend the review meeting? If not how can an informed decision about the need for DCS involvement be made?

Fewer visits may mean families having to complete more forms or provide more written evidence of how direct payments are spent. We would be concerned if bureaucracy was simply pushed onto the family carer.

Conclusion

The Council's proposals assume it is already more than meeting the needs of families of disabled children and fulfilling its statutory duties, and so there is room to cut the service. We disagree. We know the threshold for a Statement of Special Educational Needs (from 2014/15 an Education, Health and Care Plan) is very high in North Yorkshire and above the national average due to it being a highly delegating authority. It is beyond belief that three quarters of children who require high needs support in school do not have a similar assessed need at home that it is 'necessary' for the Council to provide services for.

The Council accepts the proposals stand a high risk of failure should a legal challenge be brought. We are calling on Councillor Elizabeth Shields, Chairman of the Young People Scrutiny Committee, to carry out an investigation into these proposals and the issues raised in this response.

We are also calling on the Executive to reject these proposals as we do not believe the Council is currently meeting the needs of disabled children and their families. These proposals will hit the most vulnerable in our community the hardest and may well end up costing the Council more money through crisis management in the long term.

Save North Yorkshire Disabled Childrens Service

Appendices

Petition and online comments

The majority of signatures can be viewed along with comments online at:

https://www.change.org/p/north-yorkshire-county-council-we-are-calling-on-north-yorkshire-county-council-to-reverse-the-decision-to-cut-880-000-from-the-disabled-children-s-budget?just_created=true

A smaller number of signatures were collected manually without the facility to comment. The whole petition can be viewed overleaf.

Online Council questionnaire

We have included a response to the consultation online questionnaire.

Our petition to help disabled children and their families

North Yorkshire County Council wants to cut £880,000 from the budget that provides help to disabled children and their families.

Fewer families will get help and those eligible for help will over time get less. This help, called short breaks or respite care, keeps families from reaching crisis point and needing more expensive services.

Our petition is calling on the Council to reverse this decision.

Sign through Facebook: [www.facebook.com/
SaveNorthYorkshireDisabledChildrensServices](http://www.facebook.com/SaveNorthYorkshireDisabledChildrensServices)

email: savenydcs@gmail.com

twitter: [@savenydcs](https://twitter.com/savenydcs)

**Save North Yorkshire Disabled Children's Services
Consultation Response – 10 March 2015**

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| <p>Current Position Number of families receiving help</p> <p>There are 3300 children in North Yorkshire who have special educational needs (SEN) requiring "high needs" funding in school or college, as defined by the government. There are many more disabled children without SEN who also have significant needs.</p> <p>As the Council has set its eligibility criteria for short breaks at a high level, it provides short breaks to only 460 children (14%) through the Disabled Children's Service (DCS). These services range from 2-3 hours per week of help to a number of nights of overnight care a month. A further 380 children (12%) who are not eligible for short breaks from the DCS receive a discretionary grant of £500 per year which can be spent, for example, on purchasing help from a care provider. The cost of help for disabled children is so high that £500 does not buy one hour's care by a personal assistant per week over a year.</p> <p>When the Council says it wants to provide a 'targeted service' this is a euphemism for providing help to a very small proportion of extremely disabled children. Over 2500 (75%) of high needs children currently receive no social care help at all. In North Yorkshire short breaks are not available to a "broad spectrum" of families caring for disabled children; many families are not being helped to live "ordinary lives" as the 2011 Coalition Government guidance recommends.</p> | <p>We are unclear where the figure 3300 has come from. There are 1765 children under the age of 18 who receive High Needs funding in line with DfE guidance and requirements (January 2015). All of these children have a statement of special educational needs or an Education, Health and care Plan, but not all require social care services to be provided by the Local Authority..</p> <p>Short Break grants are not appropriate for families who require specialist support from Registered care providers. Children with a level of complexity which requires this sort of provision may require a formal assessment. Short break grants are commonly spent by families on, for instance, equipment, and social and leisure activities.</p> |
| <p>Social Care Assessments</p> <p>In law every disabled child, regardless of the severity of their disability is entitled to an assessment. Our survey reveals that is not happening. Often eligibility criteria are invoked before, not after, the assessment is undertaken. Families report difficulties accessing an assessment and lengthy delays in assessment. These results contradict the official statistics reported by NYCC social services to Councillors and the Government that the DCS manages referrals in a timely way in the majority of cases.</p> | <p>The Local Authority is under a general duty to assess disabled children where an assessment has been requested.</p> <p>Not all referrals will progress to an Initial Assessment if families can be assisted by the provision of information and advice by the Council, including provision through the Prevention Service.</p> <p>The performance data on timeliness of Initial and Core Assessments is</p> |

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| <p>Consultation process</p> <p>At consultation meetings Officers told parents that there had been extensive consultation on these proposals in 2013/14 with NYPACT, Harrogate National Autistic Society and Ryedale Special Families. Harrogate NAS confirm there has been no consultation with its group. NYPACT committee members have been involved in discussions as individuals but have not involved their wider membership (for example through newsletters, surveys or feedback to members from meetings attended). This strategy consultation and the £880,000 budget reduction has come as a surprise to the vast majority of families affected.</p> | <p>derived from the Council's Integrated Children's System. Concerns and complaints about service delivery are routinely looked into.</p> <p>The Council has signed up to the Disabled Children's Charter. That commits the Council, amongst other things, to engaging directly with parent carers of disabled children and young people. In the drafting of the strategy, Council officers had regard to the insights and advice of a small reference group of parents from NYPACT. This was during late summer/ autumn 2014. The foreword to the draft strategy explains that the role of NYPACT is to question and challenge decision makers, and that the responsibility for the proposals in the draft strategy rests firmly with the Council.</p> <p>It was made clear on the NYPACT website in the summer of 2014 that there would be a full public consultation on proposals which were being developed.</p> |
| <p>Questions to the Council</p> <p>Save NYDCS wrote to Councillor Tony Hall, Executive Member for Children's Services, on 4 February asking for further information regarding the proposals and for assurances that the Council had taken its legal duties fully into account when formulating the proposals. We were disappointed to receive a partial response on 21 February which gave specific answers to only three of the 18 questions and invited us to find for ourselves the answers to a further three questions in the Council papers from the February 18 budget meeting of the full Council. We were promised a response to the remaining 12 questions by 10 March, just one day before the consultation ended.</p> <p>As the Council papers are of a highly technical nature and number over 500 pages, we wrote again requesting clarification, asking for specific answers and for a quicker reply to enable us to use the answers in our response to the consultation. In a reply on 8 March, Mr Hall declined to answer the remaining questions and did not acknowledge our request for clarification. We were very disappointed with this approach.</p> | |
| <p>Eligibility Criteria and Unmet Need</p> <p>Many families who do not qualify for Council support are struggling to cope. They have children with significant disabilities and challenges including sleep problems, aggressive behaviour towards family members and property and self-injury. Families suffer from poor physical and mental health, sleep deprivation, struggle to work or sometimes reach crisis point. If families reach crisis point, children may have to be taken into care or found residential special schools places.</p> | <p>The Council meets the needs of disabled children and their families in a number of ways. Some targeted services are provided through the Prevention Service, whilst others are met following assessment by specialist services in Children's Social Care and the Disabled Children's Service.</p> |

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| <p>As far as we are aware the Council has not undertaken any financial risk assessment should families be driven to crisis as a result of the proposals. To give some idea of the risk, the cost of providing long-term residential care has been estimated at £2428 per week (2009 figures). Evidence 4 shows that services like short breaks that give families a break from caring reduce the need for such costly interventions. If only a handful of families are pushed to this point the majority of savings would disappear. Families may also pay the price through family breakdown and poor mental health. Please see our Survey section for further details. Most families receive a very modest level of services, but even a few hours a week is highly valued. Recent high profile cases in the media of families who have not been well supported show how lack of support can end in tragedy for families, and reputational damage to local authorities.</p> <p>Funding position</p> <p>The Council's funding position is challenging but we believe the Council should be looking elsewhere to non statutory services for cuts, not to this most vulnerable of groups. As such a small group families with disabled children are never going to receive the same level of support as a universal service like libraries, nor have the same political clout. The Coalition Government made plain in its 2011 guidance short breaks should be maintained at existing spending levels and that it believed it had provided the necessary funds to enable Councils to do so.</p> <p>The Council says it spends more than average on disabled children services. Our survey does not support that families are receiving excess services. If there are added costs these may be explained by local factors such as the size and rural nature of the County or by transport costs, rather than families receiving a higher level of services.</p> | <p>We are aware of the relationship between sufficient services for families and preventing family breakdown which might require increased residential provision to be made. This is referenced in the risk log (CDF1) at Appendix 4 to the 9 December 2014 report to Executive Members.</p> |
| <p>Joint Strategic Needs Assessment for Autism</p> <p>The eligibility criteria to access short breaks means many children with disabilities are excluded from the DCS, for example those with 'high functioning' autism, ADHD and Asperger's Syndrome. This is the case even though the Council has itself identified these children as having unmet need in its Joint Strategic Needs Assessment, and despite being included in the definitions of disabled children and children in need. The JSNA (Topic Summary - Autism)5 says:</p> <p><i>Unmet need: Children. Support for parents, carers, family and siblings e.g. at time of crisis, weekends and school holidays is limited. Specialist teachers are</i></p> | <p>The financial data is provided by CIPFA for the DiE and compares statistically similar local authorities. If the revised budgets for disabled children, young people and their families are implemented, North Yorkshire will still spend more than statistical neighbours, using this benchmarking data.</p> <p>DCS provides specialist support for those that meet its criteria. Where this is not the case, provision may be made by Children's Social Care or the Prevention Service.</p> <p>Those with 'high functioning' conditions, are unlikely to meet the DCS eligibility criteria. They are nevertheless disabled children and their needs and those of their families are considered when an assessment has been requested.</p> |

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| <p><i>employed on Teachers' Pay and Conditions and work term-time only. Children and young people frequently do not meet the criteria for 'short breaks', particularly those with a diagnosis of Asperger syndrome. Links with CAMHS, Disabled Children's Services and Children Social Care need developing further. Universal services require additional support and training to enhance their knowledge and understanding of autism.</i></p> <p>A label of "high functioning" or Asperger's does not necessarily mean a child has needs that are any less challenging for carers than a child labeled as "low functioning"; merely different ones. Treating this group of disabled children differently is concerning and out of step with the law for adults (Care Act, Autism Act). It shows a lack of understanding of the care needs of those with 'high functioning' conditions, a myth successfully challenged by the National Autistic Society in its 'Careless' campaign which led to significant changes to Care Act Regulations and Guidance.</p> <p>Whilst a child may have a single label, often they have multi-faceted needs (as our survey shows). Proper understanding of a child's needs and the impact on their carer can only be established via thorough assessments by social workers experienced in autism and other 'high functioning' conditions. In North Yorkshire if this 'high functioning' group succeed in getting an assessment at all, it is with a general children's social worker, not a disabled children's social worker. From the start the presumption is these children have 'mild' needs and are unlikely to require short break services.</p> | <p>Any social worker, when carrying out an assessment, should consider the impact on the child and their family of any disability. There is no presumption that families will not require services which support them.</p> |
| <p>Support for Carers</p> <p>The Council's consultation is silent on the help it currently provides family members (rather than the child) in order to promote the child's welfare under the Children Act 1989 . The Council has a statutory duty to assess carers in their own right regardless of the severity of their child's disability, but does not mention this in the strategy. The Council has no other budget for carers of disabled children so the implication is assessments will only be funded on the basis of the severity of the disability, not (as required by the Framework for Assessment / Carers Regulations) taking into account the family context as a whole. There are many situations where even a mild or moderate disability can have a significant impact. For example where there is more than one disabled child in the household (none of whom may meet the Council's high threshold for services individually), where the carer is a single parent or lacks family support, where the parent has a disability or mental health problem themselves or has to care for another relative.</p> <p>While the Care Act is bringing new rights for carers of adults, carers of disabled children are being left behind by the Council. Families caring for</p> | <p>Parent carers of disabled children are offered a Carer's Assessment by DCS. Services which support disabled children and their carers can be made available following assessment. These services are provided from DCS budgets.</p> <p>The Core Assessment for a disabled child includes an assessment of the parent carers capacity and needs. This provides a comprehensive picture on which to base any plan for support or intervention. From 1 April 2015 local authorities must take reasonable steps to identify the extent to which there are parent carers in their area who have needs for support.</p> |

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| <p>disabled adults have told us how adult social services are approaching them to offer carers grants for the first time, while children's social services intend to cut back on grants offered.</p> | |
| <p>Rising demand for Social Care Assessments Recent changes to the law on special educational needs will require every child with a Statement of SEN or Learning Difficulty assessment to transfer to an Education, Health and Care Plan by 2018. We consider this will create more work for DCS, at a time when staffing is being cut. The success of the new EHC system depends on all three agencies working together, completing joint assessments and considering the needs of the family as a whole. As only a small percentage of those with Statements and LDAs currently have social care involvement, we consider there is the potential for a significant increase in demand for assessments and attendance at transfer and annual review meetings. This is not recognised or costed by the Council in this consultation.</p> | <p>There is no reason to expect that the parents/ carers of pupils with special educational needs will request a social care assessment when statements of special educational needs are converted to Education, Health and Care Plans. If, for whatever reason, there was an increase in demand for assessments, then the staffing to undertake the required work would be reviewed.</p> |
| <p>Social Care Survey Between 23 January and 9 February we ran an online survey using Survey Monkey which was promoted through Facebook. We asked parents and carers living in North Yorkshire 10 questions about the availability and quality of social care services including short breaks. It was aimed at families that didn't receive services as well as those that did. 49 parents or carers responded.</p> | |
| <p>Council Proposals Reducing provision for existing or new families (i) The Council wants to reduce the amount of help it gives to all families who are new to the DCS. It has said that the services provided to these new families will be assessed as needing 20% less using a revised indicative service response guide. For example, from 8 hours help per month under the current guide to 6 hours, but, crucially, these families would still have the same level of need. Councillor Tony Hall (Executive Member for Children's Services) says these proposals represent an improvement on the current position and said 'I can't find the word cuts in this consultation'. A reduction of 20% in services received by the family is not an improvement.</p> | <p>The proposal to reduce the financial value of all new packages of support for disabled children entering the service was not supported by over two thirds of on-line respondents. The 20% figure was included in the options appraisal which was considered by Executive members in December 2014. It relates to options which were not adopted for consultation.</p> |
| <p>(ii) Disabled children and their families have protected characteristics under the Equality Act. The Council is proposing to treat new families differently to those currently receiving services. This would potentially be discriminatory, and is recognised as such by the Council in its 2020 Review of Care Provision</p> | <p>All legal obligations have been considered when formulating the proposals and the Local Authority is confident that its proposals are compliant with those duties.</p> |

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| <p>for Disabled Children, and their Families ('2020 Review'), in which the Council sets out various options for cutting the service:</p> <p><i>Deliverability: Difficult to deliver given the problem in designing and applying different criteria for disabled children compared to other Children in Need . Easy to challenge because of different treatment of a Protected Group</i></p> <p><i>Risks: High: Potential for legal challenge as it raises the criteria to a point above that applied by Children's Social Care and the Vulnerability Checklist, treating Children in Need differently because of their disability ... Risk of upheld Children Act Complaints, involvement of LGO and Judicial Review</i></p> <p>The Council has a legal duty to provide services for assessed needs that have been identified where it is 'necessary' i.e. where an intervention will be required' to meet the Council's duties under 7 & 8 the Children Act, Chronically Sick & Disabled Person's Act and The Breaks for Carers of Disabled Children Regulations. The Council must assess what is necessary on an individual basis, it cannot set maximum thresholds or predetermine what a family requires, this would fetter the Council's discretion.</p> | |
| <p>(iii) The Council has not yet set out a draft revised indicative service response guide, or explained how it knows that new families will require fewer services that cost less. It says there will be a further short breaks consultation later in the year, but if the budget has been reduced then it is difficult to see how this will be a consultation where there is any genuine ability to influence the outcome.</p> | <p>The Council will consult on a revised Short Breaks Statement to reflect the final strategy. It will be delivered within the agreed budget.</p> |
| <p>(iv) It is also suggesting that it is considering reducing the provision by 20% for all families currently using the service, although this is not in the Equality Impact Assessment or Draft Strategy. It is suggested as an option in the online questionnaire. We are concerned that should the proposal to transfer overnight care from Children's Resource Centres fail, and the anticipated savings are not made, the Council will look to cut 7 Chronically Sick & Disabled Persons Act 1970, Section 2 (CSDPA) 8 Framework for the assessment of children in need and their families (policy guidance), TSO 2000 services to existing families to make up the shortfall. The Council has acknowledged this is not a sustainable policy as it must realistically meet the assessed needs of the family. The 2020 Review states:</p> <p><i>Deliverability: Difficult to deliver given the legal problems in cutting services on a percentage reduction rate which may be unrealistic to meet assessed need. Easy to challenge because of the arbitrary application of service cut</i></p> <p><i>Risks: High: Potential for legal challenge. Services provided following assessment must be 'realistic to respond to assessed need'. Imposition of arbitrary cut is not sustainable and easily challenged Risk of upheld</i></p> | <p>The 20% figure quoted here refers to 2 of the 6 options which were considered in the options appraisal included in the 9 December 2014 report and which were not adopted for consultation.</p> <p>The strategy would include the application of a 'realistic service response' with greater consistency in application and reflecting the reduced budget. Over half of on-line respondents did not support this proposal.</p> |

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| <p><i>Children Act Complaints, involvement of LGO and Judicial Review</i></p> <p>The 2020 Review sits uneasily with the Foreword to the Draft Strategy, in which Councillor Tony Hall and Pete Dwyer (Corporate Director of Children's Services) together write: <i>We are very mindful of the legal duties which are placed on the Council and will ensure that they are adhered to. Just as importantly, we are mindful of the collective moral purpose which sits at the heart of our Children and Young People's Plan which emphasises our commitment to the right opportunities and experiences for every child.</i></p> <p>Transfer from Children's Resource Centres to Foster/domiciliary care</p> <p>(i) The Council wants to cut the majority of the money (£500k) from the DCS by transferring overnight respite care for approximately 40 of the most disabled children from Children's Resource Centres (CRCs) to foster carers and home care, and close two CRCs. The Council only opened a new CRC (Beck House) in late 2010 (with <i>Aiming High</i> funds), which is another example of how recent gains are being eroded.</p> <p>We believe that some families would welcome the option of using foster care or domiciliary care in preference to a CRC. Some families would not. It is our view that families should have a choice as to the type of provision they would like to use, it should not be forced upon them by the Council. Families would be making a choice based on what they think would best suit their own circumstances. They should be recognised as experts in their own children, on a par with social care professionals. Their insight and preference would mean the chances of overnight respite care being successful are much greater than if the Council goes against their wishes.</p> | |
| <p>(ii) According to our survey and some of our member's experiences, CRCs operate waiting lists and struggle to make up lost nights (eg through bad weather or staffing problems), which would indicate a shortage of capacity. The Council responded to a Freedom of Information request asking about the number of nights each CRC was unable to fulfil with the following statement: <i>The Ghyll - The number of requests for overnight care The Ghyll CRC was unable to fulfil was NIL.</i></p> <p><i>Nidderdale Children's Resource Centre, including Beck House, only closed the units for Grand Depart or if a child could not attend for sickness or for staff shortages. In these cases they arranged alternative dates for young people to visit so that the terms of their agreed package were met. These figures were not routinely recorded on a separate database.</i></p> <p><i>Morton on Swale - The number of requests for overnight care Morton on Swale was unable to fulfil was NIL.</i></p> <p><i>May Lodge - There were some closures during 2014 due to staff shortages. In</i></p> | <p>The draft strategy seeks to promote family based care as a positive opportunity for disabled children whose needs can be met in a domestic setting. For a small number of children with complex needs, challenging behaviour and moving and transferring requirements a CRC would remain available.</p> <p>If all the CRCs were to be maintained then community based services for disabled children and their families would need to be reduced in order to deliver the target saving, and there would be no budget available for the proposed increase in the number of foster carers.</p> <p>The proposal is to close one CRC and to establish another as a specialist unit for Looked After children so that their needs can be met in county.</p> |
| | <p>There is no shortage of capacity in CRCs. Very occasionally a child has to wait for a place, but all efforts are made to meet need as soon as possible. This is made clear in the FOI response which is quoted.</p> |

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| <p><i>these cases they arranged alternative dates for young people to visit so that the terms of their agreed package were met. These figures were not routinely recorded on a separate database.</i></p> <p>If our respondent's experiences reflect a wider problem, and the Council has based its estimate of number of foster carers needed on number of night's supplied, rather than demand, then the number of foster carers the Council intends to recruit may be an underestimate too.</p> | <p>The estimate of the number of new foster carers required is based on an analysis of likely need.</p> |
| <p>(iii) Foster carers are very difficult to recruit, even before considering the specialist needs of disabled children. A report in 2009 found there was a long standing national shortage of 10,000 foster 9 carers, with an acute shortage of foster carers for disabled children. These shortages can exacerbate the mismatch between foster carers and child leading to a higher rate of placement failure. Breakdown of placements can be more common compared to CRCs because carers may be less resilient and may not have comparable specialist training, support or experience of a CRC team. The report found a turnover of around 10% of foster carers annually.</p> <p>Following a Freedom of Information request, the Council acknowledged it has no experience of recruiting foster carers specifically for disabled children and it has not undertaken a feasibility study to satisfy itself that the proposal is workable. It has no way of knowing whether its proposal is realistic or achievable. This is deeply worrying.</p> <p>However it has set aside £300k of capital funding in order to adapt foster carers homes to accommodate disabled children. If we assume a turnover of foster carers of 10% per annum, the Council will have to find ongoing additional funds in order to make adaptations to new carer's homes in future years which it has not included in its budgeting. It will also need to meet the costs of running a continuing advertising campaign in order to maintain the necessary number of foster carers, which is also un-costed.</p> | <p>Over half of respondents to the on-line questionnaire supported the proposal to increase the number of foster carers offering overnight short breaks in the community.</p> <p>The risk assessment for the draft strategy acknowledges the challenge of recruiting foster carers for disabled children and proposed actions to mitigate the risk.</p> <p>The proposal to close one CRC is dependent upon the success of the council in recruiting a sufficient number of foster carers.</p> <p>The Council would undertake a well-researched publicity and recruitment campaigns throughout the lifetime of the strategy.</p> <p>The capital programme is reviewed on an annual basis.</p> |
| <p>(iv) The Council has stated: "children who continue to use CRCs will have their packages managed significantly more robustly, packages will not increase without re-assessment and high cost placements will be explicitly managed as an alternative to care"¹⁰</p> <p>This would seem to indicate an intention to reduce provision over the long-term for this vulnerable group, despite these families being entitled in law to having services that realistically respond to the assessed need, once they have crossed the eligibility threshold</p> <p>It appears that high cost placements will only be offered where the alternative is the child going into care. The law and regulations are clear short breaks</p> | <p>The Local Authority would continue to be bound by its duty to offer services to families which are 'realistic to meet need'. The intention is to manage packages of care more closely and consistently to ensure that reassessment always precedes any increase in service provision. This has not always been the case.</p> <p>The Local Authority is clear about its duty to support families and not only to respond to crises.</p> |

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| <p>should be used as early intervention to help families thrive, not only when the situation reaches a crisis.</p> <p>Discretionary Short Breaks</p> <p>Discretionary grants are to be cut by almost half and capped to 200 children (6% of high needs children) from the current level of 360, taking the number of families helped back to pre-2012 levels. We oppose this proposal on the grounds that the grant is modest and a cost effective way of providing early intervention services. It is a gateway to social services with an easy referral process. The grant scheme means families caring for children with significant disabilities (who should perhaps be receiving statutory short breaks) are more easily identified. Removal of the grant is likely to lead to an increase in families seeking assessment for statutory short breaks. Aggressive gatekeeping of assessments and services is also likely to increase the risk of legal challenge.</p> <p>Cuts to Outdoor Centres</p> <p>The Council intends to end the grants to Bewerley Park Centre for Outdoor Education and East Bamby Outdoor Education Centre that enable disabled children to access these facilities. The Council has duties under the Equality Act that include the need to advance equality of opportunity for disabled people, which would seem to be at odds with this proposal. Some children can only access leisure opportunities if there is specialist equipment available. For example while there are local climbing walls available, none have the hoist system available at East Bamby. Again it is undoing the progress of <i>Aiming High</i> that widened participation to the most severely disabled children.</p> <p>Reduction in contact with social work professionals</p> <p>The Council is proposing reducing the involvement of social work professionals with approximately one third of families who receive lower level services from the DCS. As the DCS only accepts families who have significant needs into its service we believe this has the potential to have a detrimental effect. Some families may welcome fewer visits but others may want greater involvement, for example DCS to attend their annual review or EHC transfer. The Council says social care needs will be discussed at annual reviews and if a social worker needs to become re-involved that will happen. But will the social worker have visited the family before the review? Or have prepared a report? Or have seen the child? Or attend the review meeting? If not how can an informed decision about the need for DCS involvement be made? Fewer visits may mean families having to complete more forms or provide more written evidence of how direct payments are spent. We would be concerned if bureaucracy was simply pushed onto the family carer.</p> | <p>The proposal to continue to offer short breaks grants was supported by two thirds of respondents to the on-line questionnaire Following the Council's decision on the draft strategy it will be necessary to consult on a revision to the Short Breaks Statement which would clarify how these grants, and the number available, should be administered.</p> <p>The system of short break grants is not a 'gateway to social services.' It is a preventative model and offers a way of supporting disabled children and their families without the requirement for formal assessment.</p> |
| | <p>Over half of respondents to the on-line questionnaire opposed the ceasing of the grant assistance to East Bamby Outdoor Education Centre, which also outreaches to Bewerley Park. The draft strategy proposes working with the Centre to develop a different and sustainable funding model, including working with partners in the VCS.</p> |
| | <p>The proposal to reduce bureaucracy attached to less complex cases was supported by over two thirds of respondents to the on-line questionnaire.</p> <p>Systems would be put in place to allow families to discuss their needs at any time with a named officer and to respond to emergencies.</p> |

Conclusion

The Council's proposals assume it is already more than meeting the needs of families of disabled children and fulfilling its statutory duties, and so there is room to cut the service. We disagree. We know the threshold for a Statement of Special Educational Needs (from 2014/15 an Education, Health and Care Plan) is very high in North Yorkshire and above the national average due to it being a highly delegating authority. It is beyond belief that three quarters of children who require high needs support in school do not have a similar assessed need at home that it is 'necessary' for the Council to provide services for. The Council accepts the proposals stand a high risk of failure should a legal challenge be brought. We are calling on Councillor Elizabeth Shields, Chairman of the Young People Scrutiny Committee, to carry out an investigation into these proposals and the issues raised in this response. We are also calling on the Executive to reject these proposals as we do not believe the Council is currently meeting the needs of disabled children and their families. These proposals will hit the most vulnerable in our community the hardest and may well end up costing the Council more money through crisis management in the long term.

The threshold for statements of SEN/ Education Health and Care Plans is now nationally determined. There is no obvious correlation between those with an educational need and those requiring the Local Authority to make social care provision.



Save North Yorkshire
Disabled Children's Services

Councillor Tony Hall
Executive Member for Children's Services
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire

By email and letter

Wednesday, 4 February 2015

Dear Councillor Hall,

We are writing on behalf of the Save North Yorkshire Disabled Children's Services campaign to express our concern about the proposed cuts to the disabled children social care budget / short break services in our area.

We are a group of parents and carers of disabled children from across North Yorkshire. We started our group on social media on 11 January and already have 73 members. [Our Petition](#) has gathered almost 500 supporters.

We know that short breaks are an essential support service for families with disabled children. Research by the charity Mencap has consistently shown that 8 in 10 families with children who have learning disabilities are at 'breaking point'. Contact a Family research shows that 76 per cent of families with disabled children experience stress or depression and 72 per cent suffer from lack of sleep.

Short breaks are well recognised to be a vital part of the support which addresses these problems and helps keep families with disabled children together, not just surviving but thriving. This is why we are so concerned to see the proposal to reduce spending on short breaks in the county by £887,000 on top of £500,000 cuts that have already been made to these services in the past three years.

We are aware that short breaks are legally required to be provided as a service for families with disabled children, including under the Children Act 1989, the Breaks for Carers of Disabled Children Regulations 2011, the Chronically Sick and Disabled Persons Act 1970, the Children and Families Act 2014, the Equality Act 2010 and the Human Rights Act 1998. We understand that the Local Authority has received a letter from the Every Disabled Child Matters campaign setting out in detail the legal duties to provide short breaks.

We would like to ask you the following questions and would be grateful if you could answer them within 7 days:

1. How much money does the Local Authority currently hold in its reserves, and in particular how much money is in 'unallocated' reserves, by which we mean reserves which are not earmarked for a specific purpose?
2. What if any consideration was given by the Local Authority to using its unallocated reserves to avoid or reduce the need to cut spending on short breaks?
2. What if any increase in Council Tax is proposed by the Local Authority for 2015/16?
3. What if any consideration was given to increasing Council Tax as a way of avoiding or reducing the need to cut spending on short breaks?
4. What if any information was given to consultees on alternative ways of meeting the shortfall in funding available to the Local Authority?
5. Did the Local Authority take into account that its own Joint Strategic Needs Assessment for Autism in 2013 found existing gaps in short break services, particularly for those with high functioning autism and Aspergers?
6. The draft strategy states that children with 'high functioning conditions' are currently not assessed by the Disabled Children's team but by Children's Social Services. The draft strategy does not include any information about what services this group currently receive. How will this group be affected by the proposed changes? What is the current budget spend on this group, which budget are services paid from and what reduction, if any, is proposed?
7. Why have families only received a letter about a draft strategy for disabled children services in December 2014, with a consultation to run until 11 March, when the budget will be decided on 18 February, before the consultation has finished?
8. You stated at the consultation meeting in Harrogate on 20 January that the size of the cut (£887,000) and the nature of the cut (how the cuts will be made) were both part of the consultation. Can you confirm this is the case?
9. Why has the Local Authority allowed only six days between the end of the consultation on the draft strategy and approval by Councillors, as set out in the Council's Forward Plan?
10. Can the Local Authority show that it is going to be providing a level of short break service which is sufficient to meet the needs of children and families in our area after the funding cuts, as required by regulation 4 of the Breaks for Carers of Disabled Children Regulations 2011 and section 27 of the Children and Families Act 2014?
11. Can the Local Authority show that it is going to be able to provide short breaks to all disabled children for whom it is necessary to provide this service to meet their needs, as required by section 2 of the Chronically Sick and Disabled Persons Act 1970?
12. How will the Local Authority meet its obligation to promote the right to respect for private and family life under Article 8 of the European Convention on Human Rights if the short breaks budget is cut?
13. How will the Local Authority meet its obligation to treat disabled children's best interests as a primary consideration in its decision making process when deciding on the proposed cut to the short breaks budget, as required by Article 3 of the UN Convention on the Rights of the Child?
14. How can the Local Authority show that it has complied with the Public Sector Equality Duty in its proposed cut to the short breaks budget, in particular the duty

- under section 149(1)(b) of the Equality Act 2010 to have due regard to the need to advance equality of opportunity for disabled children?
15. How does the Local Authority expect to meet demand with reduced staffing if even a small number of the 1600 families whose child has a Statement of SEN take up the opportunity of a social care assessment as Statements are converted to the new system of Education, Health and Care Plans?
 16. What assessment has the Local Authority made about the risk that cuts to disabled children's social care will lead to increased demand for residential placements / residential schools that potentially outweigh savings?
 17. Why are only 460 children receiving statutory care services when there are 1800 children with Statements of SEN (equivalent to 20+ hours support per week in school) and in total approximately 3300 children in receipt of high needs element 3 SEN funding? If children have this level of need at school, does it not follow that they present with a similar level of need at home and strongly suggest that the Local Authority is not currently meeting its statutory duties?

We would urge you and your fellow councillors to reconsider the proposed cut to the short breaks budget for 2015/16. We would strongly argue that this would be a false economy, as cutting short breaks is likely to lead to the need to fund expensive crisis interventions for families who can no longer cope. We would also argue that the proposed cut will breach the legal duties that we have asked questions about above.

We look forward to your response and would welcome the opportunity to meet with you and fellow councillors to discuss our concerns and see whether the proposed cuts can be avoided or reduced. If however there is no positive response to our letter we may take legal advice as to whether the proposed cut is open to challenge by way of judicial review.

Yours sincerely,



cc Pete Dwyer, Corporate Director, Children and Young People's Service

Save North Yorkshire Disabled Children's Services
Letter of 4 February 2015 (Letter to Councillor Hall)

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| <p>1. How much money does the Local Authority currently hold in its reserves, and in particular how much money is in 'unallocated' reserves, by which we mean reserves which are not earmarked for a specific purpose?</p> | <p>The budget report to the Council's Executive can be found at http://democracy.northyorks.gov.uk/committees.aspx?commid=18&meetid=2118. Appendix M of the budget report shows the key figures. At 31/3/14 the General Working Balance was £53.4m. The table also shows how this is expected to change and ultimately in the years leading up to 2020.</p> |
| <p>2. What if any consideration was given by the Local Authority to using its unallocated reserves to avoid or reduce the need to cut spending on short breaks? What if any increase in Council Tax is proposed by the Local Authority for 2015/16?</p> | <p>Budget reductions are required on an ongoing basis and therefore use of reserves may defer but not eliminate the need for these reductions. Reserves can, however, be used to ensure a measured transition of any changes. Appendix D on page 72 of the report notes that the original savings profile for this area has in fact been reviewed. This has resulted in a longer period of implementation.</p> <p>Council Tax has been increased by 1.99% for 2015-16</p> |
| <p>3. What if any consideration was given to increasing Council Tax as a way of avoiding or reducing the need to cut spending on short breaks?</p> | <p>Council Tax has been increased by 1.99% for 2015-16</p> |
| <p>4. What if any information was given to consultees on alternative ways of meeting the shortfall in funding available to the Local Authority?</p> | <p>The Council's 2020 programme includes savings across all services. This was information contained in the February 2014 report to the Council's Executive when the 2020 programme was agreed following consultation. The consultation on the draft strategy was about how the target saving would be achieved, not about the size of the saving, which was determined by the Council in February 2014.</p> |
| <p>5. Did the Local Authority take into account that its own Joint Strategic Needs Assessment for Autism in 2013 found existing gaps in short break services, particular for those with high functioning autism and Aspergers?</p> | <p>We were aware of the issues which are highlighted in the JSNA regarding unmet need, and these were also raised during the consultation. This is addressed in the response to the section 'Joint strategic Needs Assessment' in the SNYDCS response to consultation.</p> |
| <p>6. The draft strategy states that children with 'high functioning conditions' are currently not assessed by the Disabled Children's team but by Children's Social Services. The draft strategy does not include any information about what services this group currently receive. How will this group be affected by the proposed changes? What is the current budget spend on this group, which budget are services paid from and what reduction, if any, is proposed?</p> | <p>If a child has, or appears to have a disability, an assessment can be requested and services can be offered to meet those assessed needs. Children with the most complex needs would usually be provided for by the Disabled Children's Service. The needs of other disabled children, who have been assessed as children in need, can be met through Children's Social Care (CSC). The general S17 budget in CSC is £92K, excluding staffing. This budget for children in need is not hypothesized for disabled children and it is not therefore possible to show a separate budget.</p> |
| <p>7. Why have families only received a letter about a draft strategy for</p> | <p>The decision to make an £850,000 saving in the delivery arrangements of services</p> |

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| <p>disabled children services in December 2014, with a consultation to run until 11 March, when the budget will be decided on 18 February, before the consultation has finished?</p> | <p>for disabled children and their families, including the provision of short breaks, was made by the Council in February 2014. The meeting of the Council on 18 February 2015 considered and agreed the re-profiling of the saving over the three year period 2015-16/2017-18 which had been recommended by the Executive at its meeting in February 2015.</p> |
| <p>8. You stated at the consultation meeting in Harrogate on 20 January that the size of the cut (£887,000) and the nature of the cut (how the cuts will be made) were both part of the consultation. Can you confirm this is the case?</p> | <p>The consultation was not about the size of the budget reduction but about the draft strategy which would deliver some improvements and changes within the reduced budget. It is always possible in the light of feedback for the Council to reconsider budget decisions and the Executive, when considering the draft strategy, will certainly have this in mind.</p> |
| <p>9. Why has the Local Authority allowed only six days between the end of the consultation on the draft strategy and approval by Councillors, as set out in the Council's Forward Plan?</p> | <p>The Council's Forward Plan, published on 13 February 2015 shows that the Executive will be asked to make a decision on the draft strategy at its meeting on 26 May 2015.</p> |
| <p>10. Can the Local Authority show that it is going to be providing a level of short break service which is sufficient to meet the needs of children and families in our area after the funding cuts, as required by regulation 4 of the Breaks for Carers of Disabled Children Regulations 2011 and section 27 of the Children and Families Act 2014?</p> | <p>All legal obligations have been considered when formulating the proposals and the Local Authority is confident that it will be able to provide a short break service that will continue to meet the needs of children and families in North Yorkshire area in accordance with those duties.</p> |
| <p>11. Can the Local Authority show that it is going to be able to provide short breaks to all disabled children for whom it is necessary to provide this service to meet their needs, as required by section 2 of the Chronically Sick and Disabled Persons Act 1970?</p> | <p>All legal obligations have been considered when formulating the proposals and the Local Authority is confident that it will be able to provide a short break service that will continue to meet the needs of children and families in North Yorkshire area in accordance with those duties.</p> |
| <p>12. How will the Local Authority meet its obligation to promote the right to respect for private and family life under Article 8 of the European Convention on Human Rights if the short breaks budget is cut?</p> | <p>All legal obligations have been considered when formulating the proposals and the Local Authority is confident that it will be able to provide a short break service that will continue to meet the needs of children and families in North Yorkshire area in accordance with those duties.</p> |
| <p>13. How will the Local Authority meet its obligation to treat disabled children's best interests as a primary consideration in its decision making process when deciding on the proposed cut to the short breaks budget, as required by Article 3 of the UN Convention on the Rights of the Child?</p> | <p>In the development of the draft strategy and the consultation process the Local Authority has had the best interests of disabled children as its primary consideration in its decision making processes. The Local Authority will continue to meet all legal obligations during the decision making process.</p> |
| <p>14. How can the Local Authority show that it has complied with the Public Sector Equality Duty in its proposed cut to the short breaks budget, in particular the duty under section 149(1)(b) of the Equality Act 2010 to have due regard to the need to advance equality of opportunity for disabled children?</p> | <p>The Local Authority has considered the Public Sector Equality Duty from the outset of the process of devising this draft strategy, including data gathering, consultation process, analysing the impact and devising the draft strategy. During the consideration of the consultation responses, the Local Authority will consider not only how it can minimise any potentially adverse impact upon disabled children, but</p> |

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| | <p>also how it can advance equality. An Equality Impact Assessment was prepared prior to the publication of the consultation, and the Local Authority will continue to pay due regard to the Public Sector Equality Duty through the decision making process, and policy implementation and update this assessment.</p> <p>There is no reason to expect that parents/carers of pupils with special educational needs will request a social care assessment when statements of special educational needs are converted to Education, Health and Care Plans. If, for whatever reason, there was an increase in demand for assessments, then the staffing to undertake the required work would be reviewed.</p> <p>We are aware of the relationship between sufficient services for families and preventing family breakdown which might require increased residential provision to be made. This is referenced in the Risk Log (CDF1) at Appendix 4 to the 9 December 2014 report to Executive Members.</p> <p>Currently provision is made for approximately 460 children by the Disabled Children's Service. A further 184 disabled children have their needs assessed and met by Children's Social Care as children in need.</p> <p>1765 children and young people aged 18 and under have a statement of special educational needs or an Education, Health and care Plan (January 2015) which is supported by High Needs funding from the Dedicated Schools Grant. These are children and young people who require more than £10,000 of support for their educational needs. (The first £10,000 is met from schools' delegated budgets).</p> <p>It does not follow that a child who has special educational needs at school has care needs at home which require Local authority services to be provided. Some of these children will have their care needs met through prevention services.</p> |
| <p>15. How does the Local Authority expect to meet demand with reduced staffing if even a small number of the 1800 families whose child has a Statement of SEN take up the opportunity of a social care assessment as Statements are converted to the new system of Education, Health and Care Plans?</p> <p>16. What assessment has the Local Authority made about the risk that cuts to disabled children's social care will lead to increased demand for residential placements/residential schools that potentially outweigh savings?</p> <p>17. Why are only 460 children receiving statutory care services when there are 1800 children with Statements of SEN (equivalent to 20+ hours support per week in school) and in total approximately 3330 children in receipt of high needs element 3 SEN funding? If children have this level of need at school, does it not follow that they present with a similar level of need at home and strongly suggest that the Local Authority is not currently meetings its statutory duties?</p> | |



North

Yorkshire County Council

Children and Young People's Service

County Councillor Tony Hall

Executive Member for Children's Services and Special Educational Needs

Telephone: 01609 771397

Email: cllr.tony.hall@northyorks.gov.uk

3 Newlands

Northallerton

North Yorkshire

DL6 1SJ

17 February 2015

Dear [REDACTED]

Further to my acknowledgement of your first email, and in response to your amended email of 10 February 2015 I have provided below, specific replies to your questions 7,8 and 9 as these particularly relate to future budget setting at Council meeting on 18 February 2015. The remaining questions will be addressed in a further reply to you within 20 working days, ie by 10 March 2015. If this is not possible, I will contact you again to explain why and to give an indication of the likely timescale for a full reply.

Q7 At its annual budget meeting in February 2014, the Council authorised the Corporate Director – Children and Young People's Service, in consultation with Executive Members, to "commence a review of delivery arrangements for services to disabled children and their families including the provision of short breaks". The anticipated saving from this work amounted in total, across both provision (£500k) and assessment staff (£350K), to £850,000 which was identified within the medium term financial strategy (MTFS) for 2015/16. A further £37,000 is included because earlier savings in this area had not been fully met. The total savings target is therefore £887,000. This MTFS saving target was always subject to further options appraisal, necessary consultation and subsequent review.

In February 2015 the Executive of the Council recommended to re-profile the £850,000 saving to 2015-16 (£453,000), 2016-17 (£250,000), 2017-18 (£147,000). The Executive had taken the view in doing so that opportunity had to be created to safely deliver savings through a strategic review of delivery arrangements rather than simply take immediate cuts to provision. The meeting of the Council on 18 February will be asked to agree the re-profiling. This will, of course, be subject to the agreement of the Executive, in May 2015, of the draft strategy which is currently being consulted upon

Note: For clarity we have commented on the overall £887K saving in this. The saving related to short break provision is identified separately at CYPS 8 on p72 of the papers. The remaining £387K is included within CYPS 6. The link to these papers is given at the end of this communication.

[REDACTED]
By Email

- Q8** The consultation is not about the size of the budget reduction. The consultation is about the draft strategy which would deliver some improvements and changes to the service within the reduced budget. The consultation is about the detail of how required savings will be made. It is always possible in the light of feedback for the Council to reconsider budget decisions and at the end of the consultation period the Executive, when considering the draft strategy, will certainly have this in mind. Evidence of this can be seen in the budget report on 18 February where it is proposed that £3,260k of savings proposals are not progressed. The Council still has a challenging financial position to address so difficult decisions will need to be made but the Council will continue to ensure that changes are made to savings proposals where that is found to be appropriate.
- Q9** The Council's Forward Plan published on 13 February 2015 shows that the Executive will be asked to make a decision on the draft strategy at its meeting on 26 May 2015.

In relation to questions 1, 2, and 3 of your correspondence the full details are accessible through the council papers for Wednesday's meeting - <http://democracy.northyorks.gov.uk/committees.aspx?commid=17&meetid=2077>

Yours sincerely

Lead Member for Children's Services and Special Educational Needs



Save North Yorkshire
Disabled Children's Services

Councillor Tony Hall
Executive Member for Children's Services
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire

By email

Saturday, 21 February 2015

Dear Councillor Hall,

Thank you for your response to our letter dated 4 February 2015. We note that you will endeavour to answer to majority of our questions by 10 March. We would be grateful if you could provide answers sooner if possible as, I'm sure you are aware, the closing date for the consultation is 11 March.

With reference to the first questions, namely:

- 1 How much money does the Local Authority currently hold in its reserves, and in particular how much money is in 'unallocated' reserves, by which we mean reserves which are not earmarked for a specific purpose?
2. What if any consideration was given by the Local Authority to using its unallocated reserves to avoid or reduce the need to cut spending on short breaks?
- 2.(duplicate number). What if any increase in Council Tax is proposed by the Local Authority for 2015/16?
3. What if any consideration was given to increasing Council Tax as a way of avoiding or reducing the need to cut spending on short breaks?

your replied:

In relation to questions 1, 2, and 3 of your correspondence the full details are accessible through the council papers for Wednesday's meeting - <http://democracy.northyorks.gov.uk/committees.aspx?commid=17&meetid=2077>

Unfortunately the documents you refer to are highly technical in places and number over 500 pages. We do not have the technical expertise to be sure that we can find the correct answers. In any case, we would be grateful if you could provide specific answers to these questions. (We understand, however, that the Council has voted for a 1.99% rise in Council Tax).

We look forward to your reply.

Yours faithfully


on behalf of Save North Yorkshire Disabled Children's Services



North

Yorkshire County Council

Children and Young People's Service

County Councillor Tony Hall

**Executive Member for Children's Services
and Special Educational Needs**

3 Newlands

Northallerton

North Yorkshire

DL6 1SJ

Telephone: 01609 771397

Email: cllr.tony.hall@northyorks.gov.uk

5 March 2015

Dear [REDACTED]

I am writing further to my letter of 17 February, 2015 in response to your amended email of 10 February, 2015.

The questions in your letter which remain to be answered, and the issues raised in the briefing to Councillors which was provided by you on 12 February, will now be considered and addressed, along with all other responses to consultation, when the Executive of the Council is asked to make a decision on the draft strategy at its meeting on 26 May, 2015.

Meetings of the Executive, which are held at County Hall, are open to the public. If you would like to attend that meeting as an observer or to ask a question or make a statement about any aspect of the draft strategy then please contact Barry Khan, Assistant Chief Executive (Legal and Democratic Services) at barry.khan@northyorks.gov.uk.

Yours sincerely

Lead Member for Children's Services and Special Educational Needs

[REDACTED]
By e-mail

ANDREW JONES MP
Harrogate & Knaresborough



HOUSE OF COMMONS
LONDON SW1A 0AA

NORTH YORKSHIRE
16 MAR 2015
COUNTY COUNCIL

Mr Richard Flinton
Chief Executive
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

13 March 2015

Dear Richard

Mr [REDACTED]

My constituent named above has contacted me regarding the county council's proposals to cut £900k from the short breaks service.

Please find enclosed an email and a briefing note I received from [REDACTED] which detail his concerns. As you can see from the note, [REDACTED] has organised a campaign against cuts to the county council's disability services.

[REDACTED] also specifically asked me to enquire about the proposal to transfer respite care to foster families from children's resource centres. [REDACTED] is concerned that there will not be enough foster families to take on these supporting roles. [REDACTED] also believes that families should be given a choice between foster families and centres, and is concerned that the change is being forced upon people.

I would be grateful if you could respond to this concern, and those raised in the attached note so I can respond to [REDACTED]

Thank you for your attention to this matter - it is much appreciated.

Yours sincerely

Andrew Jones MP

www.andrewjonesmp.co.uk
www.facebook.com/andrewjonesmp
www.hearfromyourMP.com
@AndrewJonesMP

Constituency office: 57 East Parade, Harrogate, HG1 5LQ
01423 529614
andrew.jones.mp@parliament.uk

DARLING, Ed

From: [REDACTED]
To: JONES, Andrew
Subject: Cuts to the Disabled Children's Service

21 February 2015 07:00

Categories: Yellow Category

Dear Andrew

Cuts to the Disabled Children's Service

North Yorkshire County Council is currently undertaking a Care Needs Consultation - it plans to cut £890,000 from the the Disabled Children's Service - most of which will come from a reduction in short breaks, which is a front line service. These cuts come on top of £500,000 taken from the budget in the last three years.

We would like you to support our campaign asking North Yorkshire County Council to reverse its intention to cut services and would like to meet you to discuss this further.

Short Breaks

Short breaks (respite) are a vital service and an effective way of preventing families reaching crisis point and costing the Council much more money. Since the Breaks for Carers of Disabled Children's Regulations 2011 came into force in April 2011 every Local Authority is legally bound to provide a range of short break services. These include the provision of day, evening, overnight, weekend and school holiday services to assist carers as well as educational or leisure activities for the child or young person. Short breaks can take place in the child's own home, the home of an approved carer, or in a residential or community setting.

They are a fundamental support service to families with disabled children and one of the ways Local Authorities meet its duty to '*safeguard and promote the welfare of children in their area who are in need*' .

The current position

There are 3300 children in North Yorkshire, who have special educational needs (SEN) requiring high needs funding in school. There are many more disabled children without SEN who also have significant needs. All disabled children are 'children in need', with the term 'disabled' in this context having a very wide definition.

As the Council has set its eligibility criteria for short breaks at a high level, it provides short breaks to only 460 children (approximately 14%) through the Disabled Children's Service (DCS). These services range from 2-3 hours per week of help to a number of nights of overnight care a month. A further 380 children (12%) receive a discretionary grant of £500 per year. The cost of help for disabled children is so high that £500 would not buy one hour's care by a personal assistant per week over the course of a year.

The eligibility criteria to access short breaks means many children with disabilities are excluded, for example those with high functioning autism and Asperger's Syndrome, even though the Council has itself identified these children as being in need of short breaks through the Joint Strategic Needs Assessment and they are included in the definition of disabled children / children in need.

Even families who do not qualify for Council support are struggling to cope. They have children with significant disabilities and challenges including sleep problems, aggressive behaviour

It has a legal duty to provide services for assessed needs that have been identified where it is 'necessary' i.e. where an *intervention will be required* to meet the Council's duties under the Children Act, CSPDA and The Breaks for Carers of Disabled Children Regulations (2011). The Council must assess what is necessary on an individual basis, it cannot set maximum thresholds or pre-determine what a family requires, this would fetter the Council's discretion.

The Council has not specified how it will assess future families or how it knows that future families will require fewer services that cost less. It says there will be a further short breaks consultation later in the year, but if the budget has been reduced then it is difficult to see how this will be a consultation where there is any genuine ability to influence the outcome.

The Council wants to cut the majority of the money through transferring overnight respite care for approximately 40 of the most disabled children from Children's Resource Centres (CRCs) to foster carers and home care, and close two CRCs. The Council only opened a new CRC (Beck House) in late 2010 using Aiming High funds - another example of how recent gains are now being eroded.

CRC's sometimes have a waiting list and can struggle to make up lost nights (eg through special events or staffing problems), which indicates a potential shortage of capacity.

Although some families would welcome a transfer from CRCs to foster carers, others would not. Foster carers are very difficult to recruit, even before considering the specialist needs of disabled children. A report in 2009 found there was a long standing national shortage of 10,000 foster carers, with an acute shortage of foster carers of disabled children. These shortages exacerbate the mismatch between foster carers and child leading to a higher rate of placement failure. There is a turnover of around 10% of of foster carers annually.

The Council has no experience of recruiting foster carers specifically for disabled children and it has not undertaken a feasibility study to demonstrate whether the proposal is workable. It has produced no evidence to date that it is realistic or achievable, however it has set aside £300k in order to adapt foster carers homes to accommodate disabled children. Assuming a turnover of foster carers is 10% per annum, the Council will have to find ongoing additional funds in order to fund adaptations to new homes in future years. It will also need to meet the costs of running an advertising campaign for three years, which is uncoded.

Discretionary short breaks are to be cut by almost half and capped to 200 children (6% of high needs children) from the current level of 360 children, taking the number of families helped back to pre-2012 levels. The Council intends to end the grants to Bewerley Park Centre for Outdoor Education and East Barnby Outdoor Education Centre that enable disabled children to access these facilities. The Council has duties under the Equality Act that include the need to advance equality of opportunity for disabled people.

The Council is proposing a number of other measures, including reducing the involvement of social work professionals with approximately one third of families who receive lower level services from the DCS.

The implication of the Council's proposals is that it is already more than meeting the needs of families of disabled children in full and fulfilling its statutory duties and so there is room to cut the service without breaching statutory duties. We do not believe this to be the case. Our forthcoming survey results and the public comments on our petition support this view.

We know the threshold for a Statement of Special Educational Needs (from 2014/15 an Education, Health and Care Plan) is very high in North Yorkshire and above the national average due to it being a highly delegating authority. It is beyond belief that three quarters of children who require the equivalent of 20 hours (or more) of 1:1 support in school do not have a similar assessed need at home that it is 'necessary' for the Council to provide services for.



Cuts to funding for disabled children and their families - a briefing by Save North Yorkshire Disabled Children's Services

Dear Councillor

On 18 February you will be voting on the budget for 2015-16. As part of your considerations, you are being asked to approve a cut of £890,000 from the Disabled Children's Service - most of which will come from a reduction in short breaks, which is a front line service¹. These cuts come on top of £500,000 taken from the budget in the last three years. The Council is currently undertaking a Care Needs Consultation that contains details of the proposed cuts².

Short breaks (respite) are a vital service and an effective way of preventing families reaching crisis point and costing the Council much more money. Since the Breaks for Carers of Disabled Children's Regulations 2011 came into force in April 2011 every Local Authority is legally bound to provide a range of short break services. These include the provision of day, evening, overnight, weekend and school holiday services to assist carers as well as educational or leisure activities for the child or young person. Short breaks can take place in the child's own home, the home of an approved carer, or in a residential or community setting.

They are a fundamental support service to families with disabled children and one of the ways Local Authorities meet its duty to 'safeguard and promote the welfare of children in their area who are in need'³.

Every Local Authority must provide services 'designed':-

- a. to minimise the effect on disabled children within their area of their disabilities; and
- b. to give such children the opportunity to lead lives which are as normal as possible; and
- c. to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring'⁴

¹ Services for Disabled Children (p72), Executive Revenue Budget for 2015/16 & MTFs 2016/17 to 2019/20

² <http://www.northyorks.gov.uk/careneedsconsultation>

³ Children Act 1989, Part III, section 17 (1)

⁴ Children Act 1989, Schedule 2, Part 1(6)

The current position

There are approximately 3300 children in North Yorkshire, deemed to have special educational needs (SEN) requiring high needs funding. There are many more disabled children without SEN who also have significant needs. All disabled children are 'children in need', with the term 'disabled' in this context having a very wide definition.

As the Council has set its eligibility criteria for short breaks at a high level, it provides short breaks to only 460 children (approximately 14%) through the Disabled Children's Service (DCS). These services range from 2-3 hours per week of help to a number of nights of overnight care a month. A further 380 children (12%) receive a discretionary grant of £500 per year. The cost of help for disabled children is so high that £500 would not buy one hour's care by a personal assistant per week.

The eligibility criteria to access short breaks means many children with disabilities are excluded, for example those with high functioning autism and Asperger's Syndrome, even though the Council has itself identified these children as being in need of short breaks through the Joint Strategic Needs Assessment Topic Summaries⁵ and they are included in the definition of disabled children / children in need.

The Council's consultation is silent on the help it currently provides family members (rather than the child) in order to promote the child's welfare under the Children Act 1989⁶.

Many families who do not qualify for Council support are struggling to cope. They have children with significant disabilities and challenges including sleep problems, aggressive behaviour towards family members and property, and self-injury. Families suffer from poor physical and mental health, sleep deprivation, struggle to work or sometimes reach crisis point⁷. If families reach crisis point, children may have to be taken into care or found residential special schools places, which would quickly wipe out any short-term savings.

Such is the level of concern about these proposals that almost 500 people have signed our petition calling on the Council not to make these cuts⁸.

Aiming High

From 2008 to 2011 North Yorkshire was a Pathfinder for 'Aiming high for disabled children', a programme which followed a Parliamentary review of services for disabled children in 2007. *Aiming High* sought to give every disabled child the best possible start in life and the support they and their families needed to make equality of support a reality.

Since 2008 there has been huge Government investment in short breaks (approx £2.5 billion). In 2011 'Together for Disabled Children' reviewed short breaks from 2008 and found: 105,000 more disabled children receiving short breaks; a 200% increase in the number of

⁵ Topic Summaries: People with Learning Disabilities & Difficulties and Autism <http://www.nypartnerships.org.uk/index.aspx?articleid=26760>

⁶ Children Act 1989, Schedule 2, Part 1(6)(c)

⁷ Save NYDCS Survey - to be published shortly

⁸ <http://chn.ge/1ITKTRH>

children with the highest needs receiving short breaks; and an additional 193,000 nights and 8 million daytime short breaks hours (135% increase).

With a change of Government, Local Authority spending for short breaks was no longer ring-fenced but the Coalition Government committed to continue the work of 'Aiming High'. It made £800 million available through Early Intervention Grants between 2011 and 2015. The expectation was that Local Authorities would maintain spending levels on short breaks and continue the vision of Aiming High. The Government issued guidance to support this view in March 2011⁹ The guidance was clear that short break provision was not just for carers who could not continue to care without a break ("crisis" provision), but for parents whose ability to care for their disabled child would be "enhanced" by a short break; a "broad spectrum of families". In essence the intention was that families with disabled children should be supported to live ordinary lives; to thrive not just survive.

In North Yorkshire Aiming High investment led to a year on year increase in the number of families accessing short breaks from 432 in 2008/09 to 607 in 2010/11. Since 2010/11 the number of children open to the Council's disabled children's team has dropped from 556 to 459.

The proposals

The Council will undo the progress of Aiming High, leaving only the most extremely disabled children and their families with help. This ignores the very real stresses and challenges to family life that come from having a disabled child. It will mean over 2500 high needs and disabled children will continue to receive no support from the Council. It will impact not just on the children, but on their siblings and carers. Research by Mencap shows 80% of families of disabled children are at breaking point - 'the moment of crisis for a carer, often emotional, psychological and physical, where they feel they can't go on'.¹⁰

As far as we are aware the Council has not undertaken any assessment of the financial risk that may occur if more families are driven closer to crisis point that might require the Council to take significant, potentially costly, remedial action.

The Council wants to reduce the amount of help it gives to all families who are new to the DCS. It has said that the services provided to these new families will be assessed at a lower level, for example, from 8 hours help per month under the current system to 6 hours, but, crucially, these families will have the same level of need. Disabled children and their families have "protected characteristics" under The Equality Act. The Council is proposing to treat new families differently to those currently receiving services as a result of their disability. This would potentially be discriminatory under The Act.

⁹ Short breaks for carers of disabled children, Departmental advice for local authorities, March 2011.

¹⁰ Mencap Breaking Point Report, 2012

The Council has a legal duty to provide services for assessed needs that have been identified where it is 'necessary' ¹¹ i.e. where an *intervention will be required*¹² to meet the Council's duties under the Children Act, CSPDA and The Breaks for Carers of Disabled Children Regulations (2011). The Council must assess what is necessary on an individual basis, it cannot set maximum thresholds or pre-determine what a family requires, this would fetter the Council's discretion.

The Council has not specified how it will assess future families or how it knows that future families will require fewer services that cost less. It says there will be a further short breaks consultation later in the year, but if the budget has been reduced then it is difficult to see how this will be a consultation where there is any genuine ability to influence the outcome.

The Council wants to cut the majority of the money through transferring overnight respite care for approximately 40 of the most disabled children from Children's Resource Centres (CRCs) to foster carers and home care, and close two CRCs. The Council only opened a new CRC (Beck House) in late 2010 (with Aiming High funds) - another example of how recent gains are now being eroded.

CRC's already have a waiting list and struggle to make up lost nights (eg through bad weather or staffing problems), which indicates a shortage of capacity.

Foster carers are very difficult to recruit, even before considering the specialist needs of disabled children. A report in 2009¹³ found there was a long standing national shortage of 10,000 foster carers, with an acute shortage of foster carers of disabled children. These shortages exacerbate the mismatch between foster carers and child leading to a higher rate of placement failure. There is a turnover of around 10% of of foster carers annually.

Breakdown of placements is more common in foster care compared to CRCs because carers are likely to be less resilient and do not have the necessary specialist training or support. The Council has no experience of recruiting foster carers specifically for disabled children and it has not undertaken a feasibility study to demonstrate whether the proposal is workable. It has produced no evidence to date that it is realistic or achievable, however it has set aside £300k in order to adapt foster carers homes to accommodate disabled children. As turnover of foster carers is 10% per annum, the Council will have to find ongoing additional funds in order to fund adaptations to new homes in future years. It will also need to meet the costs of running an advertising campaign for three years, which is uncoded.

Discretionary short breaks are to be cut by almost half and capped to 200 children (6% of high needs children) from the current level of 360 children, taking the number of families helped back to pre-2012 levels. The Council intends to end the grants to Bewerley Park Centre for Outdoor Education and East Barnby Outdoor Education Centre that enable disabled children to access these facilities. The Council has duties under the Equality Act that include the need to advance equality of opportunity for disabled people.

¹¹ Chronically Sick & Disabled Persons Act 1970, Section 2 (CSDPA)

¹² Framework for the assessment of children in need and their families (policy guidance), TSO 2000

¹³ https://www.fostering.net/sites/www.fostering.net/files/public/resources/reports/age_of_foster_care.pdf

The Council is proposing a number of other measures, including reducing the involvement of social work professionals with approximately one third of families who receive lower level services from the DCS.

The implication of the Council's proposals is that it is already more than meeting the needs of families of disabled children in full and fulfilling its statutory duties and so there is room to cut the service without breaching statutory duties. We do not believe this to be the case. Our forthcoming survey results and the public comments on our petition support this view.

We know the threshold for a Statement of Special Educational Needs (from 2014/15 an Education, Health and Care Plan) is very high in North Yorkshire and above the national average due to it being a highly delegating authority. It is beyond belief that three quarters of children who require the equivalent of 20 hours (or more) of 1:1 support in school do not have a similar assessed need at home that it is 'necessary' for the Council to provide services for.

We are calling on you to reject these proposals as we do not believe the Council is currently adequately meeting the needs of disabled children and their families. These proposals will hit the most vulnerable in our community the hardest and may well end up costing the Council more money through crisis management in the long term.

Save North Yorkshire Disabled Children's Services

<https://www.facebook.com/SaveNorthYorkshireDisabledChildrensServices?ref=bookmarks>

email: savenydcsgmail.com

**Query response (email) - Ref. G406163****Email message****To**[REDACTED]
Your query**Subject****Cc****Bcc****Message**

Dear Andrew

MP/Member enquiry 44783

[REDACTED]
[REDACTED]
[REDACTED]

Thank you for your letter of 13 March 2015 highlighting the concerns of your constituent, [REDACTED] in relation to the draft strategy to meet the care needs of disabled children, young people and their families, and his concerns about the proposed cuts to the county council's disability services. I note that [REDACTED] has also provided you with a detailed explanation of the concerns that have been raised by 'Save North Yorkshire Disabled Children's Services'. We are aware of [REDACTED] feedback and concerns raised as part of the public consultation process.

As you are aware, by 2020, North Yorkshire County Council has to reduce its overall spending by some £168m and services across the council are considering how to respond to this challenge.

The Council has agreed a target saving of £887,000 in the provision and staffing budgets for disabled children, young people and their families. In developing an affordable draft strategy for meeting needs, we have emphasised support and provision which is personalised; a reduction in bureaucracy; greater targeting of provision, and reductions in the cost of new packages of support. We also propose to make significant improvements in the arrangements for transition to adulthood of disabled young people.

The proposals cover 14 specific areas of the service and include a move away from overnight breaks in children's resource centres (CRCs) and investment in the provision of overnight short breaks with foster carers; continuing to fund a reduced number of discretionary grants, and encouragement to families to use direct payments so that they can choose how resources to meet assessed need are spent.

The draft strategy also highlights our intention to work more closely with the voluntary and community sector to further develop local support opportunities for disabled children and their families based on the needs and priorities which local communities identify.

The draft strategy includes a review of the council's staffing for services for disabled children and their families to accompany the delivery of the new strategy.

The proposals have been developed working with a reference group of parents from NYPACT, the forum for parents and carers of disabled children, and there were a series of public consultation meetings in January and February to listen to views and comments of parents and carers of disabled children and young people.

██████████ has specifically asked you to enquire about the proposals in relation to foster carers.

The draft strategy seeks to promote family based care as a positive opportunity for disabled children whose needs can be met in a domestic setting. For a small number of children with complex needs, challenging behaviour and moving and transferring requirements, a children's resource centre would remain available. If all of the CRCs were to be maintained then community based services for disabled children and their families would need to be reduced in order to deliver the target saving and there would be no budget available for the proposed increase in the number of foster carers. The proposal is to close one of the CRC's and to establish another as a specialist unit for Looked After Children so that their needs can be met in County.

Over half of respondents to the on-line questionnaire supported the proposal to increase the number of foster carers offering overnight short breaks in the community.

The risk assessment for the draft strategy acknowledges the challenge of recruiting foster carers for disabled children and proposed actions to mitigate the risk. The proposal to close one CRC is dependent upon the success of the Council in recruiting a sufficient number of foster carers. The Council would undertake a well-researched publicity and recruitment campaign throughout the lifetime of the strategy.

The Council has set aside capital funding in order to adapt foster carers homes to accommodate disabled children. The capital programme is reviewed on an annual basis.

Please be assured that we are aware of ██████████ concerns and will ensure that they are

fully reported to the Executive when they consider responses to the consultation. In relation to the other issues raised by [REDACTED] and Save North Yorkshire Disabled Children's Services, we will ensure that they are also included in the report to the Executive at its meeting on 26 May. A copy of your letter will be included with the report.

I hope this response provides you with the information you require but please do not hesitate to be in touch with Pete Dwyer directly.

Yours sincerely
Richard

Richard Flinton | Chief Executive
County Hall | Northallerton | DL7 8AD
Tel: 01609 532444 | Fax: 01609 778199

Email us about this case

To Mr Andrew Jones
MF [REDACTED] 31 March
2015

NOTE: Please do not edit the subject line when replying to this email.

To: Councillor Elizabeth Shields,
Chairman of the Young People Scrutiny Committee,
North Yorkshire County Council

by email

13 March 2013

Dear Councillor Shields

North Yorkshire County Council's Care Needs Consultation

We would like the Young People Scrutiny Committee to consider a formal investigation into the issues we have raised in our response to the Council's Care Needs consultation, which closed on 11 March, 2015.

There are a number of issues of concern. In summary:

1 The Council is proposing to reduce social care help to disabled children and their families, knowing that, for example, one proposal is, in its own words:

"Easy to challenge because of different treatment of a Protected Group", which creates the

"Potential for legal challenge as it raises the criteria to a point above that applied by Children's Social Care and the Vulnerability Checklist, treating Children in Need differently because of their disability... Risk of upheld Children Act Complaints, involvement of LGO and Judicial Review"

And another similar proposal is:

"Difficult to deliver given the legal problems in cutting services on a percentage reduction rate which may be unrealistic to meet assessed need. Easy to challenge because of the arbitrary application of service cut.

Risks: High: Potential for legal challenge. Services provided following assessment must be 'realistic to respond to assessed need'. Imposition of arbitrary cut is not sustainable and easily challengedRisk of upheld Children Act Complaints, involvement of LGO and Judicial Review" (our emphasis)

(2020 Review of Care Provision for Disabled Children, and their Families)

We would like an explanation as to why the Council is considering potentially unlawful, unsustainable cuts to the Disabled Children's Service.

2 During the consultation period we wrote to Cllr Tony Hall asking for further information about the proposals and reassurances that the Council had fully considered its legal position. Of the 18 questions we asked, Mr Hall answered three, directed us to find the answers for ourselves in technical Council papers to a further three, and declined to answer the remainder. A request for clarification was ignored. We would respectfully ask the Committee calls upon Cllr Hall to answer the questions we have asked (correspondence enclosed).

3 As part of our consultation response, Save NYDCS undertook a survey. We asked parents and carers about the availability and quality of social care services including short breaks and respite. It was for families that don't receive services as well as those that do.

The results were concerning. We believe the survey indicates a great deal of unmet need at current funding levels and we ask that the Committee undertakes an investigation into whether the Council is meeting its statutory duties and following Government guidance. We believe further cuts will only increase the amount of unmet need, potentially driving more families to crisis point.

4 It is not clear what mechanism the Council used to increase the number of families receiving short breaks when 'Aiming High for Disabled Children' money became available (from 2008), and then cut numbers around the point when the ring-fencing of the funding was removed, despite the Coalition Government telling Councils to continue funding at the same level. Crucially, the eligibility criteria to access short breaks had not changed, and the population of disabled children remained comparatively stable. On that basis, numbers receiving services should have remained broadly the same. If the Council can unofficially relax and tighten the eligibility criteria in the past, what is to stop it doing it again?

5 The Council recognised there would likely be an increase in demand for short break services in 'North Yorkshire's Strategy for Special Educational Needs and Disability 2011-14', yet the Care Needs consultation is silent on this aspect. We would like the Council to quantify this predicted demand and set out how the proposals are consistent with meeting the future needs of this group.

6 We would ask the Committee investigate the lack of information on the rights of carers in the draft strategy and request that the Council explicitly sets out its legal duties and its policy in this regard.

7 Our concerns are echoed in large part by NYPACT, the parent forum. In its statement on the consultation (attached), it sets out a further concern that the Council is potentially failing in its legal duty to keep a register of disabled children.

This deficiency was recently highlighted in *R (L & P) v Warwickshire County Council (2015) EWHC 203 (Admin)*. Mr Justice Mostyn, sitting in the High Court, said:

"The defendant is in breach of its duty under paragraph 2 of schedule 2 to the Children Act 1989 to maintain a register of disabled children. As a result it is unable to comply with (for example) the duty imposed by section 27 of the Children and Families Act 2014 to review the sufficiency of education and care provision available to children in its area as it does not know how many disabled children may require such provision."

We look forward to your response



Save North Yorkshire Disabled Children's Service

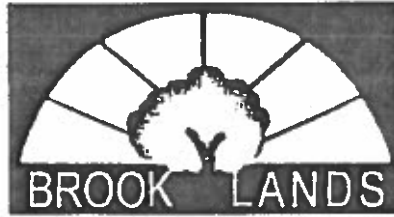
SNYDCS

Letter of 13 March 2015 (letter to Councillor Shields)

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| <p>We would like the Young People Scrutiny Committee to consider a formal investigation into the issues we have raised in our response to the Council's Care Needs consultation, which closed on 11 March, 2015.</p> <p>There are a number of issues of concern. In summary:</p> <p>1 The Council is proposing to reduce social care help to disabled children and their families, knowing that, for example, one option is, in its own words: "Easy to challenge because of different treatment of a Protected Group", which creates the "Potential for legal challenge as it raises the criteria to a point above that applied by Children's Social Care and the Vulnerability Checklist, treating Children in Need differently because of their disability... Risk of upheld Children Act Complaints, involvement of LGO and Judicial Review"</p> <p>And another similar proposal is:</p> <p><i>"Difficult to deliver given the legal problems in cutting services on a percentage reduction rate which may be unrealistic to meet assessed need. Easy to challenge because of the arbitrary application of service cut.</i></p> <p><i>Risks: High: Potential for legal challenge. Services provided following assessment must be 'realistic to respond to assessed need'. Imposition of arbitrary cut is not sustainable and easily challengedRisk of upheld Children Act Complaints, involvement of LGO and Judicial Review" (our emphasis)</i></p> <p>(2020 Review of Care Provision for Disabled Children, and their Families)</p> <p>We would like an explanation as to why the Council is considering potentially unlawful, unsustainable cuts to the Disabled Children's Service.</p> | <p>The comments are made in the options appraisal which is Appendix 2 to the 9 December 2014 report to Executive Members .</p> <p>Comments were made about each of 6 options regarding deliverability and risk. Executive Members chose to consult on Option B and in doing so were advised that it was " Compliant with Short Breaks Regulations, Working Together and the Vulnerability Checklist" and that the risks were low because it was " Compliant with statutory duties".</p> <p>Other options, which were rejected and therefore not consulted upon, were identified as not compliant with legal duties and open to challenge.</p> <p>Officers were keen for Executive Members to consider a range of options in a transparent way and for them to understand the potential for legal challenge.</p> |
| <p>During the consultation period we wrote to Cllr Tony Hall asking for further information about the proposals and reassurances that the Council had fully considered its legal position. Of the 18 questions we asked, Mr Hall answered three, directed us to find the answers for ourselves in technical Council papers to a further three, and declined to answer the remainder. A request for clarification was ignored. We would respectfully ask the Committee calls upon Cllr Hall to answer the questions we have asked (correspondence enclosed).</p> | <p>Cllr Hall provided answers to 3 of 18 questions as these particularly related to future budget setting at the Council meeting on 18 February 2015. He advised that the remaining questions would be addressed in a further reply by 10 March 2015 unless this was not possible, in which case he would explain why and indicate the likely timescale for a full reply. Cllr Hall subsequently replied to say that the remaining questions would be considered and addressed, along with all other responses to consultation, when the Executive met to make a decision on the draft strategy at its meeting on 26 May 2015.</p> |
| <p>As part of our consultation response, Save NYDCS undertook a survey. We asked parents and carers about the availability and quality of social care</p> | <p>Information from the SNYDCS survey is set in in their consultation response.</p> |

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| <p>services including short breaks and respite. It was for families that don't receive services as well as those that do.</p> <p>The results were concerning. We believe the survey indicates a great deal of unmet need at current funding levels and we ask that the Committee undertakes an investigation into whether the Council is meeting its statutory duties and following Government guidance. We believe further cuts will only increase the amount of unmet need, potentially driving more families to crisis point.</p> | |
| <p>It is not clear what mechanism the Council used to increase the number of families receiving short breaks when 'Aiming High for Disabled Children' money became available (from 2008), and then cut numbers around the point when the ring-fencing of the funding was removed, despite the Coalition Government telling Councils to continue funding at the same level. Crucially, the eligibility criteria to access short breaks had not changed, and the population of disabled children remained comparatively stable. On that basis, numbers receiving services should have remained broadly the same. If the Council can unofficially relax and tighten the eligibility criteria in the past, what is to stop it doing it again?</p> | <p>Over time the number of children and families requiring a short break provided by the Disabled Children's Service has reduced from 556 (2010) to the current level (as set out in the draft strategy at Table 1). This reduction has been more than made up for by a corresponding increase in the number of families receiving a short break grant without the need for a formal assessment, as set out in Table 3 of the draft strategy. The overall number of short breaks in 2012 (DCS and grants combined) was 680. In 2014 it was 836.</p> <p>The Council has not relaxed or tightened the eligibility criteria for provision from the Disabled Children's Service, which have been in place since 2008.</p> |
| <p>The Council recognised there would likely be an increase in demand for short break services in 'North Yorkshire's Strategy for Special Educational Needs and Disability 2011-14', yet the Care Needs consultation is silent on this aspect. We would like the Council to quantify this predicted demand and set out how the proposals are consistent with meeting the future needs of this group.</p> | <p>The SEND Strategy 2011-2014 stated that 'there is likely to be an increase in demand for short breaks provision to provide social and leisure opportunities for children and a break from caring responsibilities for families.' This is illustrated in the response, above. It is not possible to predict the demand for services (though numbers in the DCS have been broadly consistent for the last 5 years). Those with an assessed need are entitled to receive a service. The number of families receiving a discretionary short break grant will depend upon the overall budget available and the level at which the grant is set. Disabled children and their families can also have their needs met through the Prevention Service following a CAF or by Children's Social Care as a child in need.</p> |
| <p>We would ask the Committee investigate the lack of information on the rights of carers in the draft strategy and request that the Council explicitly sets out its legal duties and its policy in this regard.</p> | <p>The SEND Strategy 2011-14 also made clear that the national policy context required reductions in public sector finance on an unprecedented scale and that implementation could not presume increased resources. Since then, the financial climate for local authorities has significantly worsened.</p> <p>Parents/ carers of disabled children in DCS are offered a Carer's Assessment when the needs of children and families are assessed. This is referred to in the draft strategy. There are additional duties on the Council from 1 April 2015 as regards the parent carers of disabled children and these will be highlighted in the strategy. Core Assessments carried out in Children's Social</p> |

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| <p>Our concerns are echoed in large part by NYPACT, the parent forum. In its statement on the consultation (attached), it sets out a further concern that the Council is potentially failing in its legal duty to keep a register of disabled children.</p> <p>This deficiency was recently highlighted in R (L & P) v Warwickshire County Council (2015) EWHC 203 (Admin). Mr Justice Mostyn, sitting in the High Court, said: "The defendant is in breach of its duty under paragraph 2 of schedule 2 to the Children Act 1989 to maintain a register of disabled children. As a result it is unable to comply with (for example) the duty imposed by section 27 of the Children and Families Act 2014 to review the sufficiency of education and care provision available to children in its area as it does not know how many disabled children may require such provision."</p> | <p>Care include an assessment of parent carer capacity and needs. This provides a comprehensive picture on which to base and plan for support and intervention.</p> |
| | <p>The Council did not maintain a single register of disabled children when the strategy was consulted upon. Steps have been taken to address this and we will have a single register when the Executive considers the draft strategy at its meeting on 26 May 2015. The register will be further developed and refined, in discussion with NYPACT, during the summer and autumn. The Local Authority has a good knowledge of the population of disabled children in the area.</p> |



**NORTH YORKSHIRE COUNTY COUNCIL
BROOKLANDS COMMUNITY SPECIAL SCHOOL
Burnside Avenue
SKIPTON
North Yorkshire
BD23 2DB**

Headteacher - Denise Sansom B.Soc.Sci., MA, PGCE, NPQH

5 March 2015

Mr A Terry
Assistant Director
Access and Inclusion
County Hall
Northallerton
DL7 8AE

Dear Andrew

As a Governing body in North Yorkshire Local Authority we are aware of the needs to cut budgets and make drastic savings. However as a school for Special needs pupils in the Craven area we are aware of the anxieties of many families over the possible closure of the Ghyll.

This geographical area of North Yorkshire can feel very isolated and does not always believe it gets a fair share of resources (SLT commissioning as an example). This geographical consideration is also relevant as it would necessitate long distances to travel to enable our vulnerable pupils to access other facilities in North Yorkshire should the Ghyll close.

These long journeys would also prohibit emergency provision being available which is a lifeline to some of our families.

The plan suggests more family based respite care, much as this would seem a suitable alternative, our pupils gain much from being in a social environment rather than a family base. They already have their own families and homes and the Ghyll provides them with a homely atmosphere but an opportunity to develop interactive social skills with their peers and learn other skills that a team of key workers can provide. Brooklands works closely with the Ghyll to provide consistency and continuity in combined planning for social skills, communication development and shared behaviour plans. This cooperation is easier with one establishment than several different families.

A certain number of our pupils with the most challenging sensory and behaviour needs would struggle to be placed in a suitable home setting. Some have already tried this but it has not been successful.

Our last point relates to the new SEND strategy which encourages 'quality engagement with other agencies eg attendance at reviews and professional meetings'. The Ghyll and Brooklands have a good working relationship fostering these quality engagements. Reviews and Multi-agency meetings have been set up and help to provide consistent approaches for our pupils.

As a Board of Governors we are concerned about these planned changes and have asked that the Head teacher writes this letter in support of the Ghyll provision.

Yours sincerely



North Yorkshire

Telephone 01756 794028 - Fax 01756 794200
admin@brooklands.n-yorks.sch.uk
www.brooklands.n-yorks.sch.uk



North Yorkshire County Council
Access and inclusion
County Hall
Northallerton
North Yorkshire
DL7 8AE

sender name withheld

27th January 2015

Re: NYCC consultation and public meetings regarding the proposed cuts to the Disabled Children's Social Care Services.

Dear consultation team, my feedback will be short and focus around two points:

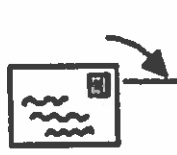
Whilst I fully appreciate the challenges of balancing a reducing budget with competing priorities, I would recommend the following points are taken into account in this review.

- a. That NYCC and City of York Councils merge to form a single cost-effective authority, reducing the significant levels of duplication and associated staff costs. If the local NHS can provide services across NY so can you. You need to get over your historical differences and modernise like the rest of us.
- b. Close libraries across NY or pass them into voluntary hands. This will require courage, but in the world where the real people live, libraries will easily be seen as out-of-date authority jewellery with little or no benefit that can't be achieved by other means. These old and overly treasured institutions have passed their shelf-life and are insignificant when compared with disabled children's services.

Regards.

A Parent.

Cc Richard Flinton, Chief Executive NYCC.



Dear sir



or



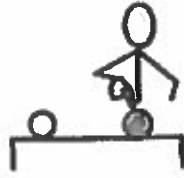
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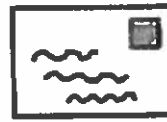
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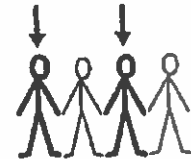
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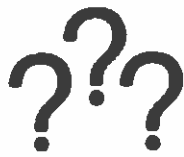
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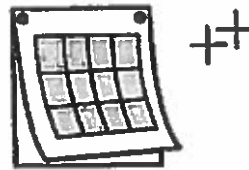
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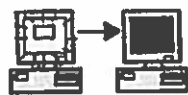
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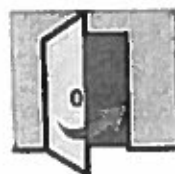


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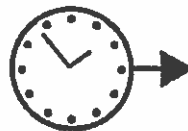
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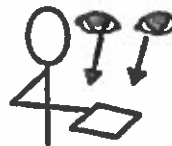
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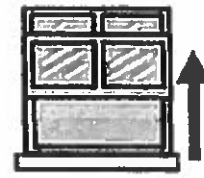


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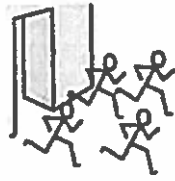
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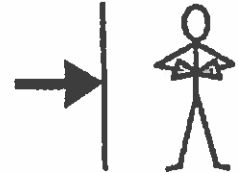
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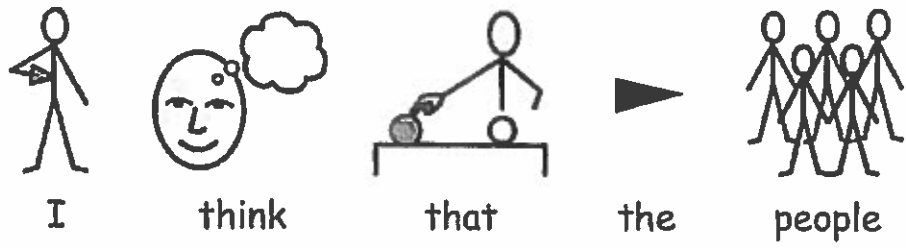


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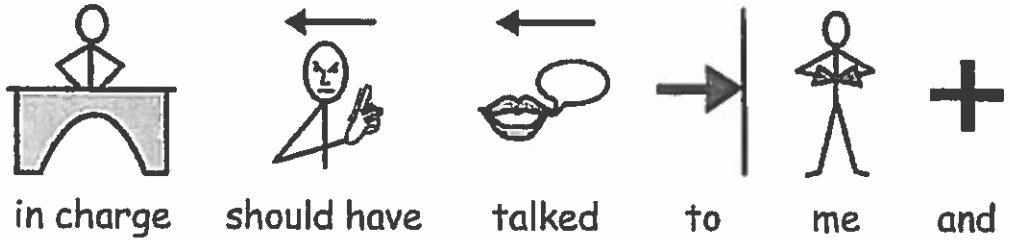
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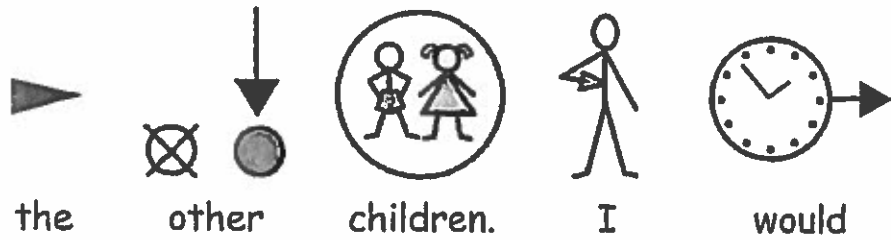
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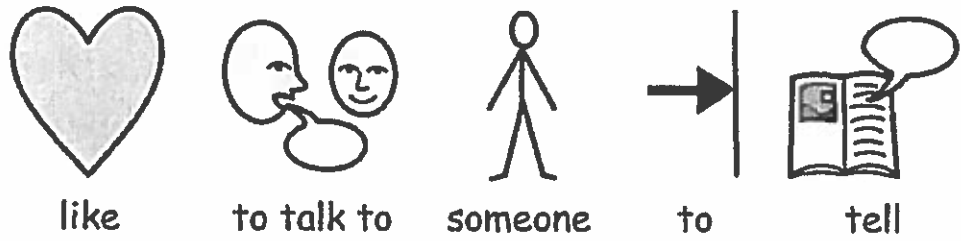
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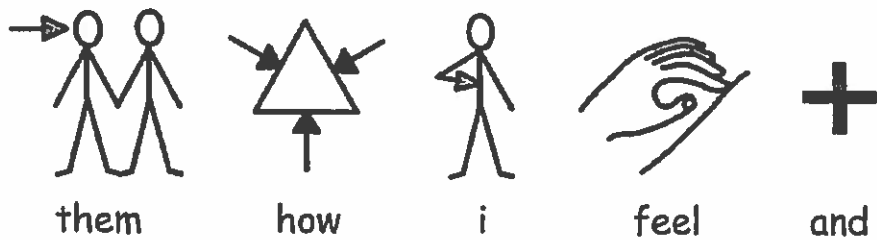
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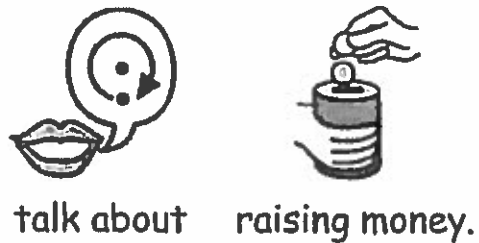
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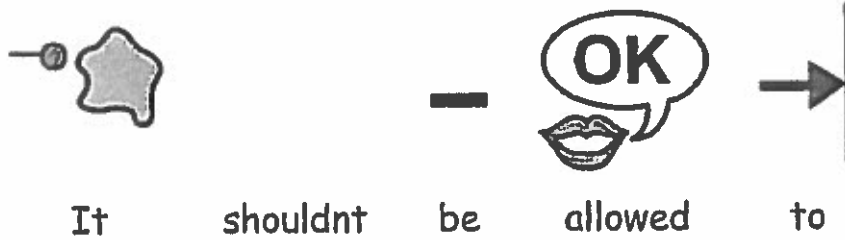
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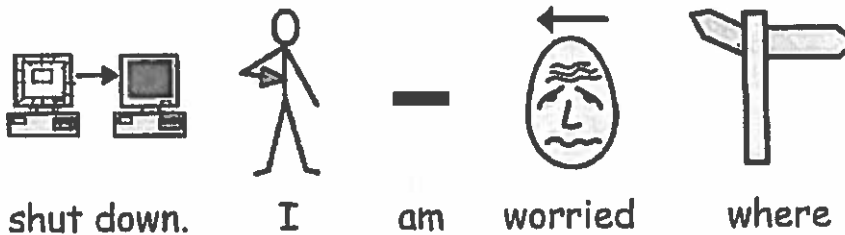
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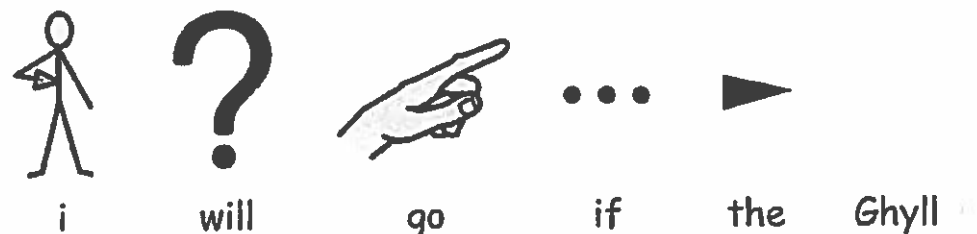
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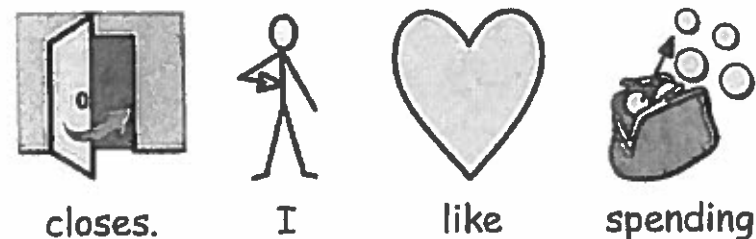
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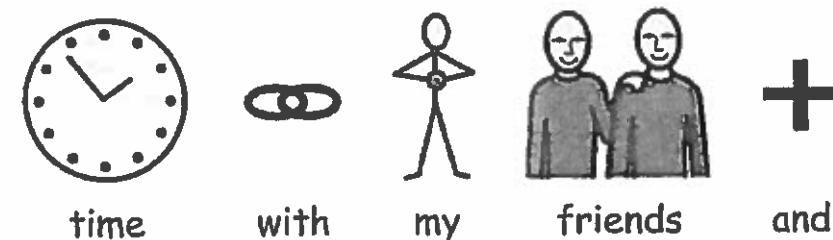
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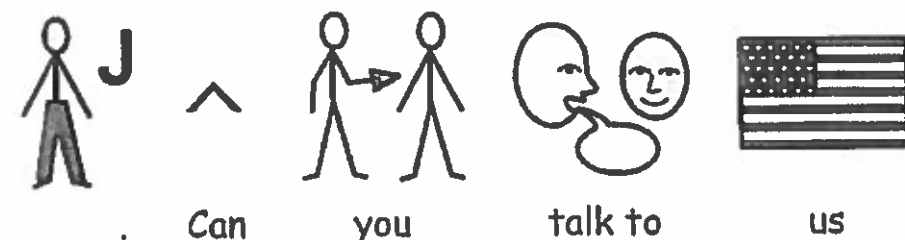
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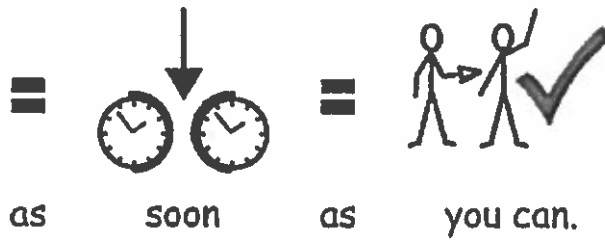
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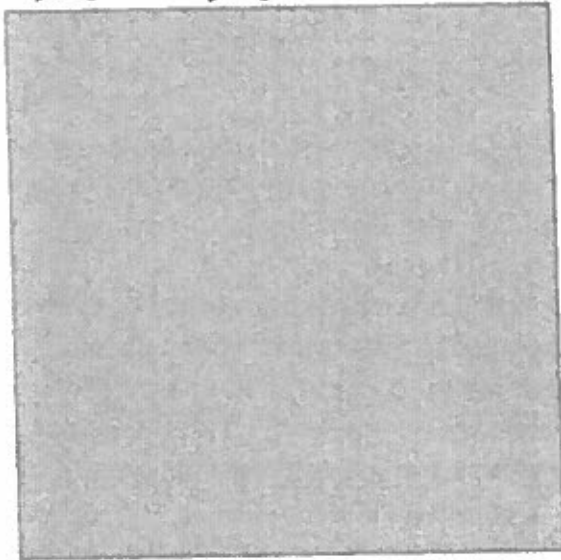
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In response to the following statement within the strategy “

The children and young people who are supported by the DCS usually have significant learning disabilities which are often accompanied by other needs. Disabled children and young people with higher functioning conditions (e.g. Asperger's, ADHD, attachment disorders, and mental health difficulties) can have their needs met through the Council's prevention services or at higher levels of need, following assessment by the Children's Social Care Service.

The disabled child or young person has needs arising from a learning disability and/or a physical disability which have a substantial and long term adverse effect on carrying out normal day-to-day activities AND there are significant difficulties in meeting needs within their family, broader support networks or through local universal provision”

I would like to make offer the following comment for consideration:

The equalities act would consider children with high functioning autism or Asperger syndrome as being disabled and having a learning disability if the disability is having a significant and long term adverse effect on their learning.

A person has a disability for the purposes of the Equalities Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. In general, day-to-day activities are things people do on a regular or daily basis, and examples, reading and writing, having a conversation, getting washed and dressed, preparing and eating food, carrying out household tasks, walking and travelling by various forms of transport, and taking part in social activities. Normal day-to-day activities can include general work-related activities, and study and education related activities, such as interacting with peers, following instructions, using a computer, carrying out interviews, preparing written documents, and keeping to a timetable. Many of which are extremely challenging for children and young people with autism irrespective of their academic/intellectual functioning.

Children and young people with autism often have anxiety, low mood, panic attacks, phobias, unshared perceptions; eating disorders; obsessive compulsive disorders; and some self-harming behaviours which could also be considered as disabilities and impact on their ability to learn.

Guidance on the equalities act also considers that:

“It is important to remember that not all impairments are readily identifiable. While some impairments, particularly visible ones, are easy to identify, there are many

which are not so immediately obvious, for example some mental health conditions and learning disabilities”

Behaviour resulting from the underlying psychological differences associated with Asperger/autism (Theory of Mind, central coherence, executive functioning, sensory perception differences) inevitably cause a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities irrespective of the child or young person’s academic/intellectual abilities. Account should be taken of how far a person can reasonably be expected to modify his or her behaviour, for example by use of a coping or avoidance strategy, to prevent or reduce the effects of an impairment on normal day-to-day activities. Account should also be taken of where a person avoids doing things which, for example, cause pain, fatigue or substantial social embarrassment, or avoids doing things because of a loss of energy and motivation.

There are long term adverse effects of coping within mainstream schools and “appearing normal” that impact on the emotional health and wellbeing of children and young people with Asperger/autism and this is documented extensively in research.

1. Reducing Bureaucracy page 9

In the draft strategy it is proposed that a number of cases are “de-escalated” since they do not need the on-going involvement of a social care professional. The following proposal is a model for managing this de-escalation.

On de-escalated cases there are low level tasks in between reviews for example: minor adjustments to packages, minor changes to ISC’s (individual service contracts) finance queries, DBS checks for direct payment workers, transport issues, or concerns about a provider. These tasks are generally not complex.

A “short breaks co-ordinator” could be supported by existing finance and case support staff to broker services, set up packages, do contracting paperwork and deal with day to day matters. The SB co-ordinator would review these cases annually at the EHCP review.

If a family’s circumstances change, the SB co-ordinator would refer the matter to the duty social worker who would either deal with the matter on duty and pass it back, or recommend re-allocation.

In HAS there is a system known as “key team” which is very similar.

Cases eligible for de-escalation:

All cases in DCS are given a “case complexity level” from 1 to 5 which describes the level of intervention required.¹ Currently, Level 5 cases are managed by Family Support Workers. It is proposed that most cases at Level 5 could be de-escalated:

“Stable family and short breaks package. No risk factors, no significant parenting capacity issues. No overnight stays. No continuing care. Family do not need social work intervention between reviews, other than occasional advice by phone and minor adjustments to packages.”

Role of Social Workers with de-escalated cases:

- Assess new cases and make recommendations. If a case is Level Five, transfer to short breaks co-ordinator for setting up services.
- When on duty, consider cases referred from the SB co-ordinator. Either deal with tasks and issues arising, and pass back or recommend for review or re-assessment.

Short Breaks Co-ordinator role:

- Act as named worker on LCS for all de-escalated cases and record on LCS

- Broker services to meet assessed needs following assessment.
- Liaise with finance to issue Individual Service Contracts.
- Liaise between families and providers re practical arrangements.
- Liaise with Direct Payment Support services to issue Direct Payment Agreements, monitoring forms etc.
- Assist finance staff to chase missing Direct Payment paperwork due from families.
- Assist with DBS checks on Direct Payment Employees.
- Attend EHCP reviews and review provision. Refer back to a social worker if required.

Supported by existing business support staff:

Case Support Worker:

- Request DBS checks for Direct Payment workers
- Book transport
- Deal with routine queries from families and providers.

Finance officer:

- Complete ISC's
- Maintain commitment spread sheets
- Ensure accuracy of spread sheets
- Providing costings for Continuing Care Panels
- Providing costings for Transitions spread sheet
- Check invoices against ISC's and chase queries
- Process invoices
- Direct Payments paperwork

De-escalated case example:

Joe 14 with Cerebral Palsy, fully dependent on his carers for all his needs. He receives a Direct Payment package to assist his mother with getting up, bathing and dressing in the mornings. Father helps with care after school and in the evenings. The family is stable and there are no risk concerns so the case is "de-escalated".

Sometime later mother calls to say that father has broken his arm and will be unable to assist with evening care for 6 weeks. A duty social worker looks into the matter. There are no alternatives so she recommends a temporary increase in the Direct Payment. Since there are no other concerns or needs, the case is returned to the SB co-ordinator for monitoring.

2. Reducing the cost of some individual packages of support. Page 10

The draft strategy refers to the "Indicative level of service guide" which is contained in the *DCS Service Guide page 22*. and suggests new cases are treated differently to existing cases. In practice, the Local Authority is legally obliged to meet assessed needs so a "two tier" system of this kind would be open to legal challenge.

The "Indicative" guide is not prescriptive and does not indicate what actual packages are provided. Services must be tailored to individual need.

The following proposals would reduce package costs across all cases existing and new.

A. Indicative Budget for Personalised Support Plans (*All new cases, and for all existing cases when they are reviewed or re-assessed*).

- Ensure the category of need for each case is up to date using the 3 toolkits in the *DCS Service Guide. (Pages 5 -17)*.
- From existing data calculate an "average" package cost across all cases in each category: "Exceptional Support", "Significant Support", "Regular Support".
- In each category reduce the average individual cost by 25% to arrive at an "Indicative Budget" for each.
- Families to be encouraged to identify their own support plan, within their indicative budget. (Subject to approval by the social worker).
- Legally, assessed needs would still have to be met, so some packages may exceed the indicative budget. However, the overall effect is likely to be a saving.

Personalised case examples:

Peter is a 13 year old boy with severe Autism, cared for by a single mother on means tested benefits. He receives a Direct Payment for 10 hours a week to give his mother a break. Peter would prefer to stay at home some of this time, but it would place strain on his mother. The family identify that if Peter could have access to "Sky Sports" in his own room he could follow his interest in a football and his Mum could rely on a break at that time. The family propose a 50% reduction in the Direct Payment, and a personal budget for Sky Sports. The overall cost is 35% reduction, Peter has his needs met and his Mum still the same level of break.

Harvey is a 5 year old boy with severe and uncontrolled epilepsy and behaviour needing 24 hour care. The family are under severe strain and need assistance. Using a personal budget the family have employed an au pair for £5,000 per year, and engaged a laundry service. This is meeting their individual needs at a much lesser cost than comparable packages.

B. Other ways to save money on individual packages

- Assessments to use the “Signs of Safety” model and prioritise interventions which are essential for the child’s development and / or family stability. The toolkits in the DCS Service Guide are helpful for this.
- Assessments to identify more short term interventions, to reduce the need for short breaks. Enhanced role for Family Workers, linking with programmes offered by FIT teams in CSC. Eg Sleep programmes, parenting programmes, behaviour programmes etc.ⁱⁱ
- Better engagement of absent parents in single parent families. In some cases, providing support and training could enable them to play a bigger role in the child’s life and reduce the need for services.
- Use the checklist feature in the Child’s toolkit to identify potential eligibility for “Continuing Healthcare” funding to maximise income.
- Training for social workers on DST completion to maximise Continuing Care income. (HAS do a course for their staff)
- Consider charging for activity costs for all families unless on benefits. Package to fund care only.
- Review of short breaks transport, which is very costly.
- Improve Direct payment support available to families to improve take up. Eg better use of agencies such as NYSIL.
- Robust monitoring of take up of services, under usage triggered by finance staff. Early review where services are under used.
- More joint commissioning with HAS Learning Disability Services to negotiate lower costs by greater volume. Encourage HAS LD non-regulated providers to develop their work with children.

3. Providing more family based short breaks page 10

It is unlikely that overnight care will be needed for children unless their needs are complex in the first place. Children with lower levels of need would have other types of service such as day care. It is therefore important to ensure that new short break foster carers are recruited who are able to manage children with complex needs.

The draft strategy (page 11) suggests there should be an increase from 2 to 5 “Contract Carers” and from 26 to 51 “Traditional” short break carers. Further analysis is needed on this, as it may meet the strategy objectives better to recruit more “Contract Carers”. This could also be more cost effective.

There are currently two levels of short break fostering, “Traditional” short break carers and “Contract” carers.

Contract Carers are specialist carers who are paid a salary. They offer up to 234 overnights a year, and typically have 6 or more children linked to them. They cater for children with more complex needs.

In the East of the County, the scheme is currently contracted out to "Action for Children" and currently most of their Carers are employed on a "Contract Care" basis. Although NYCC directly commission two carers, there are two further carer units paid as "contract carers" by Action for Children from the funds paid to them under the "Traditional" short break carer contract. Both of these carer units are part time, and offer overnights pro rata.

All the children placed with "Contract Carers" in East have complex needs. There are no "Contract Carers" in West and Central.

"Traditional" short break carers are volunteers, but paid an allowance. They generally have only one child placed with them, and some may only offer day-care.

In the West and Central areas, there are significantly more "Traditional" short break carers, inherited from when the service was contracted out to Barnardos. Analysis is needed about the complexity of need currently managed by this group of carers. Is this model appropriate for diversion of children with complex needs from CRCs ?

Recent analysis of usage of the CRC's identified that some children's needs could be met in short breaks fostering. In most cases, these children would need foster carers with specialist skills, and may need adaptations.

Advantages of Contract Care – v – Traditional short break care

- Contract Carers can meet very complex needs, which may not be possible for Traditional short break carers. In East Contract Carers are health or social care professionals.
- Contract Carers require less fostering social work time per placement. All types of short breaks foster carer require the same level of fostering social worker time for recruitment, viability assessment, "Form F" assessment, training and support. Contract Carers offer 234 nights for up to 6 children, Traditional carers may offer relatively few overnights to one child.
- Families prefer using Contract carers as they see them as "professional paid carers" not volunteers. They are perceived as more reliable, and don't induce the guilt which some families feel when using volunteers.
- Recruitment of Contract Carers is much easier, and can be targeted on those with the required skills. The salary allows the carer to give up paid employment and commit to the role full time, including continued professional development.

- In East, there are some part time Contract Carers, who offer 100 + nights per year, with many of the same advantages.
- Contract Carers tend to be more committed to the role long term, and may be willing to have home adaptations to meet complex health needs.
- The cost of a Contract Care placement is greater than the cost of a traditional short break placement, but is still significantly less than the cost of a CRC.

Case example – Contract Care

Holly is 5 years old and lives with her single father. Holly has Profound Global Developmental Delay; she does not use verbal communication. She has gastrointestinal difficulties and reflux. Holly is severely sight impaired. Her strength and muscle tone are low, she can't walk or sit unsupported and has limited head control. Holly has severe epilepsy and needs monitoring during the night. She needs invasive medication. Her condition is changeable and her mood often switches from settled to highly distressed and inconsolable, often resulting in screaming. Holly frequently hits herself, punching her face and biting her hands. Holly has a range of specialist equipment and input from a large number of health professionals.

In order to continue caring for Holly long term, her dad needs 60 overnight breaks each year. Holly goes to her Contract Carers who have specialist skills to meet her needs. Their home has been adapted, so they have a ground floor bedroom, specialist bed with ensuite bathroom and tracking. There is a ramp for Holly's wheel chair. Holly will be able to stay with her carers as she grows bigger, since the adaptation was designed to suit all ages. The carers look after several other children when Holly goes home to her dad !

Holly's dad does not want her to use a residential unit, and appreciates the friendly relationship he has with the carers. He is happy that she is safe in their care while he enjoys a rest and time for himself.

4. Role of Family Support Workers

If Family Support Workers do not continue to case hold, their role will become more focussed on direct work with children and families. In some cases this could contribute to cost savings, if some aspects of family life could be improved by a short term intervention. Eg Sleep programme, or establishing a routine. It is important to retain the right level of capacity for this role in each team.

- Parenting programmes or advice to families for compromised parenting / child protection work. (Link to "Signs of Safety" and models used in the FIT teams in CSC).
- Supporting families undergoing assessments via court
- Sleep programmes for those trained in "Sleep North Yorkshire"
- Behaviour programmes
- Supervised contact for LAC – to fulfil court requirements
- Life Story work for LAC
- Direct work with young people and groups to facilitate transition or independence

- Ascertaining the wishes and feelings of children, using various communication methods. Some FSW's are BSL trained.

Case examples - Family Support Worker :

Sarah is a 14 year old girl with learning disability and attachment disorder. Her mother left the family home when she was 5 years old, and she was removed from her father's care at the age of 12 years due to sexual abuse and neglect. She now lives with foster carers. Sarah's family support worker is helping her to understand her life story, in consultation with child mental health professionals. Sarah will have a life story book she can keep, with photographs of the people in her family and her life.

Thomas and Jane have learning disabilities and complex chromosomal disorders. Their Mum and Dad both have learning disabilities of their own. A social work assessment has identified their parents are not meeting their need for regular nutritious meals, hygiene, and keeping medical appointments. A family support worker goes into the family home to teach them basic parenting skills and to support them. This will be a long term intervention as it takes the parents a long time to learn anything new.

David is a 4 year old child with complex health needs. His nutrition is fed to him by tube as he can't take food orally. His parents are both drug users, and have a volatile relationship. The social worker was so worried about the care David was getting at home; an application was made to the Court. The Court have ordered a detailed assessment of both parents over a 12 week period. A family support worker is assisting the social worker with this task, including observations of parenting, and offering practical assistance and support. The family support worker will have to provide a statement for the court, and may have to give evidence.

Damian is a 10 year old boy with severe Autism. He was removed from home on a Care Order and lives with foster carers. His parents both use drugs, and have been imprisoned at various times. The court has ordered supervised contact 3 times a year for each parent. The contact must be supervised as Damian has specific complex needs which his parents can't meet. A family support worker with skills in meeting his needs assists the parents to spend time with him for these sessions.

¹ See Case Complexity table for a description of all 5 levels.

² See notes on Family Worker role page 6

Strategy to meet the care needs of disabled children, young people and their families

Responses from Disabled Children's Services East following Team meeting on 4th February 2015.

There are many aspects of the aims and principles of this draft strategy which can be seen as positive way forward, it is acknowledged however, that the driver for these changes is one of financial constraint rather than development of services.

We would also want to seek a redress to the fact the work of Disabled Children's Services in safeguarding and protecting the vulnerable young people we work with is mentioned only once in the document.

Whilst the assessment of need and provision of support services is a major part of our work. On going safeguarding work, Child protection, completing statements and assessments for Court and work with disabled young people who are looked after full time away from their family home is also a significant part of the teams work.

Focus area 2 Reducing Bureaucracy

Whilst it accepted that for some families, previous levels of engagement and involvement by social care staff may have been high and not always necessary. However, workers in this team would seek some clarity about the 130 cases cited across the county. This would equate to approximately 40 plus cases in this team which may be a higher number than we would anticipate.

It would be useful to get some clearer indication of how this model may work. We are aware that our Team manager has suggested a model in a response to this strategy.

It is felt that from experience the families this level of de-escalation may apply to is unlikely to be a static in terms of numbers and families.

One of the positives aspects about the current way work is managed by this DCS team is workers are able to engage with and continue to develop strong working relationships with families. This supports families in having familiar a safe and familiar person they can call o for support or discuss concerns about any aspects of their child's care. Breaking this relationship has the potential to undermine the stability of the relationship between the council and some parents also to under report any concerns around welfare of children in the future.

This system if not managed properly also has the potential to increase the number of times families have to "tell their story" to different workers. This has been recognised by parents as a negative aspect of their engagement with services.

It also has the potential to focus on the stated needs as expressed by parents and carers and therefore miss the voice of the child.

DCS are working towards ensuring we capture the voice and the views of children and young people and feed this into the review process. There are worries that this has the potential to be lost or severely compromised by not having a worker who is familiar to the family and child.

Para 3 of this Focus area comments that "needs of children and family would be considered as part of EHCP review" and a system would be put in place when the need for re engagement of a social care professional is identified.

Our questions would be, who is managing this service if it is outside of a social care / Disabled Children s service ? Does this not provide more opportunity for things to be missed if it's outside of social care / Disabled Children's team.

How do we as a SEND service work with school s in the area to shift the culture of EHCP reviews, which experience is currently showing, appear to be school reviews by another name, driven by schools and the school education agenda. This gives little opportunity for input from other agencies, specifically input from social care.

We have had a number of instances in past few weeks where safeguarding concerns have been raised on cases which we would have likely de-escalated. Looking forward, if there was no case worker with a relationship with the family and agencies providing support. There are worries that these concerns may never have been identified and acted upon.

Focus Area 3 Enabling more choice and control

Whilst recognising the benefits of opening up methods of support for young disabled people and their families. Staff would welcome further discussion on the processes, and consultations, advice on what kinds of support would be seen as acceptable through Personalisation grants and funding.

We would want to ensure that personalisation does not become a means of delivering a service more cheaply that does not have adequate safeguards for the vulnerable young people we work with.

The nature of social work and the training we undertake is always to be asking questions about the welfare of the child. We need to ensure again that this provides

appropriate support to young people and not just to meet the needs of parents / carers.

There is still ongoing discussions with team members that our current assessment looks at provision of regular support to provide opportunities for young people and to prevent families getting into crisis. If families believe that funding for annual or infrequent holidays will meet the needs of the young person and their family . Does this not question the basis of our current assessment material ?

There are concerns raised that a formula to provide a financial amount for families could be seen in the same light as a Welfare benefit.

Focus area 7 Maintaining some Discretionary Provision

It is felt by the team from the experience we have had in the coast area that there is insufficient funding in this budget to make a consistent meaningful provision. Given there will be a reduction to budgets to meet assessed needs, it doesn't seem to make sense to continue to fund a discretionary service, that ran out of money within 4 months of this financial year.

Experience showed that a high number of applications to this grant were supported by voluntary agencies. Families who were not in touch with such an agency stood less chance of making a successful application.

Also children with, by definition lower levels of need, through this budget. Where accessing costly 1 -1 support. When many young people who access support through DCS teams, and by definition have higher levels of needs./ Are accessing support on a shared basis.

Provision of support through this grant does not appear to be consistent across the county, neither is it available all year round and is more costly in providing individual support.

We feel this budget should not continue in its present form.

Focus Area's 5 & 6 Enhancing Local provision through more family based short breaks & Children's Resource centres

Current Practice in the East provides a robust system to ensure young people who have an assessed need for overnight support are directed towards the most appropriate resource either family base or residential support depending on their level of needs diagnosis and presenting conditions.

In terms of commissioning future family based short breaks. NYCC needs to give careful consideration to the model of care used. Whether this be contract care employed carers who provide high levels of support to a number of children and young people.

This provides opportunities to place young people with more specialist needs. But does place restrictions on flexibility to meet accommodation needs arising from unforeseen emergencies.

Or the more traditional short break carers who are linked to 1 child which may not be as cost effective but can provide a much more flexible and personalised service.

What safeguards in terms of contractual obligations would NYCC place on employed carers who may have specialist equipment / extensions and other major adaptations to their homes to meet specialist needs.

Focus area 8 Improving Preparation for adulthood

It is felt by all that this is a very positive move. All team welcome the opportunity to continue to provide support to young adults through this difficult stage in their lives. Avoiding issues we know families have experienced through the change of service at 18.

Need for NYCC to put in clear policies to ensure that the transition to HAS services at ages from 18 -25 does not become as difficult as the current system provides.

Staff recognise and welcome the need for further training and knowledge to meet the additional needs around employment, housing and HAS systems and procedures.

Also need to have careful consideration to how de-escalated cases will be managed through 16 - 25 years of age.

Experience shows that a number of young people over 18 access support from HAS, as vulnerable adults, that have previously been assessed by DCS and not met the criteria for support. It is felt NYCC should provide clear protocols to manage this.

Disabled Children's Services East Feb 2015