

Initial assessment or screening

Agenda item no 5

Name of policy, service or decision: Commissioning: Saving in the Pooled Budget for Children with Disabilities - Quality and Partnership Division

Lead directorate: Children's Services

1. Description – what is being assessed?

Children with Disabilities Team

The proposal is to reduce 100k from the 2014/15 social care contribution to the Pooled Budget for Children with Disabilities, from £297,700 to £197,700. In 2006 the Borough Council of Dudley and the Primary Care Trust (PCT) entered into a Partnership Agreement under s.31 of the Health Act 1999 to create a Pooled Budget for disabled children. This Partnership Agreement enabled a pool of funding to be created to ensure decisions for children with severe disabilities in need of residential short breaks were agreed in a timely manner as Health, Education and Care inputs set out a process for multi-agency agreement and review of placements.

The Partnership Agreement has not been renewed for 2014/15, whilst new arrangements with the Clinical Commissioning Group (CCG) are agreed pending decisions on how the new Education, Health and Care Plans will be funded when the Children and Families Act comes into force on 1st September 2014.

Children and young people with disabilities may have physical, sensory or cognitive impairments. An increasing number of disabled children also have complex health needs and it is essential that a range and choice of short breaks including overnight residential breaks is available to meet this diverse range of disabilities. The LA currently commissions a range of services, from overnight residential provision to evening, weekend and daytime leisure activities from independent and voluntary sector providers to meet its statutory duty to provide short breaks. However, specialist overnight residential provision has been problematic for families as there is currently little local provision and most is spot purchased from the Pooled Budget. The LA needs to ensure it has sustainable and effective systems in place in all areas of overnight residential provision for children with severe disabilities.

2. Lead officer on assessment: Ian McGuff

3. Head of service: Julia Simmonds	
4. Members of assessment team: Pauline Sharratt, Ian McGuff, Julia Simmonds	
5. What are the main issues relating to each protected characteristic? Consider all three parts of the public sector equality duty: <ul style="list-style-type: none"> • eliminating discrimination, harassment and victimisation, • advancing equality of opportunity, and • fostering good relations 	
Protected characteristic	Issues The savings proposed from this budget within the Quality and Partnership Division will affect that part of the Council's spending which is dedicated to children and young people with disabilities and their families. The savings will result in a reduction in the funding available to provide statutory short breaks to some of the most vulnerable disabled children in the Borough.
All protected characteristics	
Age	The Children and Families Bill 2013 outlined changes to the Special Educational Needs and Disability (SEND) system for children and young people aged 0 to 25 years. If adequate provision is not made in the Early Years it will be impossible to achieve satisfactory outcomes for older young people
Disability	The provision of short breaks is governed by a number of statutory requirements including The Children Act 1989 which outlines the responsibilities of Local Authorities to support disabled children who are included in the Act's definition of children in need. Short breaks are an important contributor to meeting children's needs and the 2011 Short Breaks Regulations Breaks for Carers of Disabled Children places the Local Authority under a duty to provide a range of short break services to meet the needs of the local population and assist carers to continue to provide care to their child or to do so more effectively. The Government White Paper 'Our Health , Our Care, Our Say' directs organisation to provide better prevention services, earlier intervention and more support for people with long-term support needs and their family carers

Gender reassignment	The subject of this assessment is unlikely to have any significant impact on this group as gender reassignment is rarely encountered amongst disabled children and young people due to their age
Pregnancy or maternity	The subject of this assessment is unlikely to have any significant impact on this group
Race	Data indicates there are an increasing number of children with disabilities from minority ethnic groups, particularly of Asian origin, who are seeking to access Short Break services
Religion or belief	Some disabilities disproportionately affect minority groups and include disabling conditions of genetic origin and severe learning disability resulting from consanguineous marriages
Sex	Although a higher proportion of boys than girls are likely to be disabled the subject of this assessment is unlikely to have any disproportionate impact on males or females
Sexual Orientation	The subject of this assessment is unlikely to have any disproportionate impact, although there is no available data to assess the real impact
<p>6. Outline any information, such as from monitoring, consultation feedback or complaints, which indicate a differential impact on particular protected groups.</p> <p>The budget in question is to provide overnight residential short breaks for children and young people with disabilities and their families. Feedback from consultation and knowledge of services indicates that certain groups with protected characteristics could be affected adversely by this budget reduction. This funding is used for joint commissioning with our partners and its impact is not one that is immediately obvious to the public. However, due to the complexity of these children's needs which can change significantly over time, the full impact is difficult to gauge.</p>	
Conclusions	
<p>7. On the basis of sections 5 and 6, is an equality impact assessment required? Provide a justification for your answer.</p> <p>Yes, an Equality Impact Assessment is required to demonstrate that a full analysis of the impact of the budget reduction has been conducted.</p>	

<p>8. (a) If no, list any actions identified:</p> <p>(b) If yes, what priority do you assign to the EIA (high, medium, low) and why?</p> <p>This is a high priority EIA. Savings may result in reduction in the availability of specialist overnight residential provision which, in turn, may mean that fewer children will remain in their families and local communities, potentially becoming fully looked after if money for placements is not available.</p>	
Signed assessment lead officer:	Date:
Signed head of service:	Date:

Equality impact assessment



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The Partnership Agreement has not been renewed for 2014/15, whilst new arrangements with the Clinical Commissioning Group (CCG) are agreed pending decisions on how the new Education, Health and Care Plans will be funded when the Children and Families Act comes into force on 1st September 2014.

Children and young people with disabilities may have physical, sensory or cognitive impairments. An increasing number of disabled children also have complex health needs and it is essential that a range and choice of short breaks including overnight residential breaks is available to meet this diverse range of disabilities. The LA currently commissions a range of services, from overnight residential provision to evening, weekend and daytime leisure activities from independent and voluntary sector providers to meet its statutory duty to provide short breaks. However, specialist overnight residential provision has been problematic for families as there is currently little local provision and most is spot purchased from the Pooled Budget. The LA needs to ensure it has sustainable and effective systems in place in all areas of overnight residential provision for children with severe disabilities.

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3. Head of service: Julia Simmonds	
4. Members of assessment team: Pauline Sharratt, Ian McGuff, Julia Simmonds	
5. Date assessment began:	
Background	
6. What are the aims and objectives or purposes of the policy or function/service?	
<p>Since April 2011, Local Authorities have been under a duty to provide a range of short break services including overnight residential care for disabled children, young people and families. The short breaks duty aims to improve and expand Short Breaks services, ensuring a wide range of opportunities which provide positive life experiences for children and young people, as well as a break for their parents and carers.</p> <p>Short Breaks are a valuable early intervention and preventative activity. The Government's Green paper on SEN and Disability: Support and Aspiration said:</p> <p>"Parents with disabled children have higher levels of stress and lower levels of wellbeing than parents with non-disabled children. There are a number of preventable costs that could be saved if the stress involved in caring were eradicated. These costs amount to around £5,600 per year per disabled child (made up of lost earnings, sick days, GP visits, residential care, foster care and family breakdown costs)".</p> <p>Short breaks can provide a number of benefits to disabled children and their families and wider society, mostly through costs avoided.</p>	
7. Who is it intended to affect or benefit (the target population)?	
No groups are expected to benefit from this budget reduction.	
8. What are the main issues relating to each protected characteristic?	
<p>Consider all three parts of the public sector equality duty:</p> <ul style="list-style-type: none"> • eliminating discrimination, harassment and victimisation, • advancing equality of opportunity, and • fostering good relations 	
All protected characteristics	It is not anticipated that the subject of this assessment will unlawfully discriminate but it may have negative impacts for families with disabled children
Age	Short Breaks are primarily for children and young people between 0 and 18 years. The Children and Families Bill 2013 outlined changes to the Special Educational Needs and Disability (SEND) system for children and young people aged 0 to 25 years. If adequate provision for short breaks is not made at an early age due to a reduction in funding, it will be impossible to achieve satisfactory

	outcomes for older young people
Disability	<p>The provision of short breaks is governed by a number of statutory requirements including The Children Act 1989 which outlines the responsibilities of Local Authorities to support disabled children who are included in the Act's definition of children in need. Short Breaks are an important contributor to meeting children's needs and the 2011 Short Breaks Regulations Breaks for Carers of Disabled Children place Local Authorities under a duty to provide a range of short break services to meet the needs of the local population and assist carers to continue to provide care to their child or to do so more effectively. The Government White Paper Our Health , Our Care, Our Say directs organisation to provide better prevention services, earlier intervention and more support for people with long-term support needs and their family carers. Cuts to this budget may potentially disadvantage children and young people with Special Educational Needs and Disabilities</p>
Gender reassignment	Gender re-assignment is rarely encountered amongst our service users because of their age. There is no evidence to suggest that the subject of this assessment will have any impact, either way
Pregnancy or maternity	The subject of this assessment is unlikely to have any significant impact on these groups
Race	There are an increasing number of disabled children from minority ethnic groups particularly of Asian origin who will need to access more individualised culturally appropriate support services
Religion or belief	An increase in Direct Payments and the introduction of Personal Budgets from September 2014 will allow disabled children to access single sex or at home provision where this is required for religious or cultural reasons
Sex	Although a higher proportion of boys than girls are likely to be disabled the subject of this assessment is unlikely to have any disproportionate impact on males or females
Sexual Orientation	The subject of this assessment is unlikely to have any disproportionate impact
Stage 1 – evidence gathering	
Provide details of all information about the policy, service or decision which will help	

with the assessment. Use the headings below as reminders of what may be useful, although this not an exhaustive list.

Equality monitoring data:

What systems are in place to monitor current and future impact for each protected characteristic? What monitoring data is collected for each of the protected characteristics? Set out details of this data.

As a result of the 3 year Pathfinder Short Breaks Transformation project from 2008 - 2011 there has been an exhaustive suite of data sources, More than ever is now known about the profile of the disabled children's population in Dudley and their demography. A Core Data and Analysis Tool (CDAT) which draws on the knowledge and experience accumulated from the Local Area Implementation Plan (the LAIMP, a data product which previously assisted the Local Authority in collecting and recording data) underpins service planning and commissioning within localities. It allows collection and recording on the number of disabled children and young people receiving short breaks, the volume and range of short breaks and the financial resources that support provision and the growth of service in any given year.

Engagement and customer feedback:

The Local Authority is currently in consultation with colleagues in the Clinical Commissioning Group reviewing short breaks provision to identify further efficiencies which can enable redirection of funding into frontline delivery.

Parents Forums are well established as a means of communicating with families regarding budget allocations. There is a monthly Parents Forum, regular consultation events and Parental representation on focus groups designed to plan future services in relation to the implementation of the Education, Health and Care Plans and a wide range of Short Break Services chosen by families. Feedback from parents indicates their child's social life is wider than just their own school friends and that the provision of short breaks makes a significant difference to their life outcomes. Parents and young people continue to oversee the awarding of small bids which fund a variety of activities.

Parents have been fully involved in the development of the Short Breaks programme and concerns were raised at parent consultations on the 6th and 12th December 2013 when parents from Insight, Participate, the Mencap Parents Forum, Bliss and the Aiming High for Disabled Steering Group Parent representative looked at the £100k budget savings proposals which were implemented at the beginning of April 2014. Some Parents were worried that overnight short breaks care would be affected by the cuts. It was explained that if overnight short breaks care was identified as an assessed need for a child or young person then the LA has a duty to provide that service.

Barriers to access:

Services affected by this provision are aimed at a specific group of people. The Local Authority has published a Short Breaks Statement providing information for families as to how support can be accessed and this will become part of the new Local Offer.

The savings proposed in the subject of this assessment may be perceived as a barrier to children and young people being able to access current services. Consultations are planned with parents to discuss the implications of these savings and how these can be addressed.

Information about the borough e.g. Census data:

General information about the borough's population has been considered but overall this is less valuable than the more detailed data which is available concerning the specific groups that are identified by the Directorate of Children's Services.

Background or comparative information:

The baseline and actual provision data for the numbers of disabled children accessing and receiving Short Break services within the LA is drawn mainly from the extensive data that is provided by the CDAT and the LA's own performance monitoring

Nationally

In September 2013 using a sample of 20 local authorities Impact published a Short Breaks Data report which indicated that fewer children are receiving Short Breaks than 2 years ago whilst the number of Direct Payments has increased in the past 2 years. 19 of the Local Authorities in the sample offer Direct Payments as part or all of the Short Breaks package for families and 1 Local Authority has already moved entirely to Personal Budgets instead of Direct Payments. This is in line with the SEND Reforms focus on a more personalised approach and empowerment of families to take more control of choosing how to use resources themselves, allowing families with disabled children to live more independent lives.

What evidence is missing? What will be done to collect it?

Further consultation with a representative sample of Parents will take place on 11th July 2014.

Stage 2 – data analysis

Provide details of the analysis completed on the information presented at stage 1 above, identify patterns or trends and compare with other authorities, national research, census data, etc.

The Directorate of Children's Services engages in constant analysis of detailed data about children, young people and their families. On the basis of this analysis the Directorate's senior leadership team will manage the planned budget reductions and minimise adverse impact on service delivery by working with colleagues in Health continue to deliver the current level of short breaks.

In 2012/13 954 children and young people received a Short Break in Dudley, the ethnicity and gender mix was:

	Female	Male	All
White - British	255	524	779
White - Other Cultural Background	5	10	15
Asian Or Asian British - Indian	1	6	7
Asian Or Asian British - Other Asian	3	8	11
Asian Or Asian British - Pakistani	34	35	69
Black Or Black British - African	3	3	6
Black Or Black British - Caribbean	1	9	10
Black Or Black British - Other Black		3	3
Mixed - Other Mixed Background	4	8	12
Mixed - White And Asian	3	1	4
Mixed - White And Black African	1	1	2
Mixed - White And Black Caribbean	5	10	15
Any Other Ethnic Group	7	12	19
Gypsy/Roma	1		1
Refused		1	1
Sum:	323	631	954

Percentage breakdown of the 954 children who received Short Breaks

	954	All children
83.2%	794	White
16.7%	159	BME
0.1%	1	Refused
	323	Female
80.5%	260	White Female
19.5%	63	BME Female

	631	Male	
84.6%	534	White Male	
15.2%	96	BME Male	
0.2%	1	Male (Refused Eth)	

Stage 3 - assess the impact

Does the policy or function/service have any potential adverse impacts on particular protected groups? If so explain what they are.

The savings proposed from the reduction in the Pooled Budget will mean the Directorate will still be able to fulfil its statutory responsibilities to provide overnight residential short breaks for children and young people already receiving them.

However the proposed reduction may have a direct adverse impact on the placement, availability and levels of service provided to disabled children and young people and their families who are identified as needing overnight breaks in the future, since there will be little capacity to meet any increase in needs. This would be a significant risk for the LA associated with children or young people who present with very complex needs during the year, since the cost of meeting such needs is usually very high.

Stage 4 - reasons for adverse impacts

Outline the reasons identified for adverse impacts

Reduction in the available budget is likely to result in adverse impacts due to the potential reduction in overnight residential provision. Consequently this is likely to result in less choice and availability as demand for services increases beyond the current level.

Stage 5 - consider alternatives/mitigating actions

How will any adverse impacts identified be reduced or removed? Explain if it is decided that an adverse impact is unavoidable.

The Local Authority will continue to build capacity in third and independent sector services to increase the range and level of services available.
Increased joint commissioning between the Clinical Commissioning Group and Local Authority to maximise cost effectiveness of services.
Services for children and young people with disabilities are constantly being reviewed to ensure that they are flexible enough to meet changing needs, with a view to replacing costly residential accommodation and overnight care with appropriate alternatives.

Stage 6 - test the changes

<p>Detail how the mitigating actions to reduce or remove the adverse impacts were tested, piloted or consulted on and the results of this.</p> <p>All providers are required to demonstrate commitment towards equality of opportunity for disabled children and young people.</p> <p>It has not been possible to test or pilot the budget savings in question as it is not feasible to remove funding on a trial basis in order to assess the consequences in a realistic way. However, there have already been 4 consecutive years 2011/12, 2012/13, 2013/14 and 2014/15 of cost efficiency savings from the revenue budgets from which short breaks are commissioned.</p>
<p>Stage 7 – decision making</p>
<p>Did the test, pilot or further consultation illustrate that the mitigating actions will be effective? What decision is recommended about the policy or service and why? How will the decision maker be briefed on the EIA?</p> <p>The savings proposed from the reduction in the Pooled Budget will mean the Directorate will still be able to fulfil its statutory responsibilities to provide overnight residential short breaks for children and young people already receiving them.</p> <p>However, this budget needs to have the capacity to meet the unexpected demands of children with complex needs if they increase mid financial year, or if new children develop complex needs mid year. The proposed reduction will seriously reduce the LA's capacity to respond to these unexpected needs, whilst still having a statutory duty to do so.</p>
<p>Stage 8 - monitoring arrangements</p>
<p>How will the equality impact of the policy or service be monitored in the future?</p> <p>The decisions to reduce funding which are outlined in this report will be monitored by officers and members of the Local Authority and professionals within our partner agencies.</p> <p>Feedback from service users about quality of provision and outcomes for children and young people will be taken into consideration.</p> <p>Data is collected on a quarterly basis on the take up of short break provision.</p>

Service impacts will be monitored through the SEN Reform Group which has parent representation.

All contracts awarded to third sector providers are monitored on a quarterly basis to ensure they are delivering against outcome measures. Activity data and demand for services is used to identify gaps in provision and inform budget setting and service development annually.

Stage 9 – action planning

Provide details of actions or improvements identified during the EIA.

Actions and improvements were identified outside of the EIA process as part of service planning.

This has led to the following developments

- a) a review of process and the proposed Education, Health and Care funding to increase individual choice and control of provision
- b) a review of support to enable parents to purchase services to meet their families individual needs
- c) a review of resources with the CCG to improve monitoring and quality standards through the joint commissioning

Date completed:

Signed by assessment leader officer:

Signed by assistant director/ head of service:

Date: