

Impact Assessment

Version 2017

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Assessment of:	Residential Short Breaks re-commissioning options appraisal recommendation for delivery from April 2019.
Service:	Residential Short Breaks

Head of Service:	Fiona Fleming Head of Commissioning, Devon County Council
Date of sign off by Head of Service/version:	22 nd May 2018 v4
Assessment carried out by (incl. job title):	Children's Commissioning, NEW Devon CCG, South Devon & Torbay CCG, Devon County Council Disabled Children's Social Work Service

Section 1 - Background

Description:	<p>This proposal aims to assess the impact of re-commissioning of residential short breaks services from April 2019.</p> <p>Residential Short breaks are the provision of an overnight or a day care service for children with disabilities away from the family home and at a provision which is registered as a childrens home.</p> <p>The Local Authority have a responsibility to provide Short Breaks as part of the Local Offer under the SEND Code of Practice.</p>
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	<p>This relates to the re-commissioning of the residential short break provisions currently provided by Virgin Care Limited (VCL).</p> <p>An options appraisal has been undertaken (attached) to determine the best route to meet the current and future needs of children and achieve continuity of care. This is in the context of reducing demand for this service offer and therefore a reducing number of children requiring this type of support. The options appraisal has considered the sustainability of the service model across the four geographical locations the service currently operates from.</p> <p>The Local Authority duties to provide short breaks for disabled children fall under a number of pieces of legislation, Section 17 of the Children Act (1989), the Children Act (1989) (Paragraph 6(2) Schedule 2), The Breaks for Carers of Disabled Children Regulations 2011, Special Education Needs and Disability Code of Practice: - 0-25 years (2015).</p> <p>In addition, Devon County Council, parents and partners have co-produced and developed the Devon Multi-Agency Strategy for Children and Young People with SEND 2017-2020 which captures the vision and strategic direction to be achieved for children and young people in Devon with SEND. (hyperlink)</p> <p>The re-commissioning of the short breaks service is in line with the delivery of the above duties and strategy.</p>
Reason for change/review:	<p>The Integrated Childrens Services contract with VCL is due to expire in March 2019. Therefore, the re-commissioning of the services was required. Cabinet October 2017 resolved:</p> <p>“the undertaking of work for the consideration of Devon County Council becoming the Lead Commissioner for the Residential Short Breaks service and, if the Council becomes the Lead Commissioner, for the undertaking of an options appraisal for the provision of the Residential Short Breaks from April 2019 onwards, also be approved.”</p> <p>Therefore, the attached options appraisal has been undertaken and the recommendation made. This IA evaluates the impact of this recommended option.</p> <p>A key consideration in the options appraisal is the reduced demand for residential short breaks over the next three years with 30% of children currently using the service turning 18 in the next year (2018/19) and 56% will</p>

	<p>transition to adulthood within the next three years (2020-2021). Prevalence of need would indicate that while 56% of children will leave as turning 18 this will only be offset by a 2.5% referral to this service of younger children as most families are taking up an alternative offer of care and support.</p>
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Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	<p>See attached options appraisal</p> <p>The recommendation is for a Joint contract with the CCG, using a block contract with a cost and volume element to adapt of changing demand but securing continuity of care for children currently receiving the service. Alongside this the continued commitment to provide this across the four locations and from the current buildings to both protect this investment and to continue to meet the needs of children as close to home as possible.</p>
Social/equality impacts (summary):	<p>Re-commissioning of the residential short breaks service in line with the preferred option has the potential to have positive impacts.</p> <p>The service specification will be designed to promote service delivery which caters for the needs of children and young people with complex needs and disabilities from 0-18 years. This will support young people during transition and transition planning. The service will provide continuity of services and care for children and young people currently accessing the service.</p> <p>The commissioning model enables development of services over time. This will ensure they are sustainable, viable and value for money. Whilst also being flexible to meet need. This flexibility could also promote development of services available for children and young people with additional needs and disabilities up to 25 years and as per the SEND Code of Practice, 2015.</p>

	<p>This has the potential to increase choice and control, promote inclusion, independence and wider skills to enable disabled children to achieve the best outcomes. Services will be designed to promote delivery that recognises culture, ethnicity, religion/belief, sexual orientation, sex, gender and gender identity positively so care provided is personalised to the child, young person and their families.</p> <p>Following appropriate assessment and where eligibility has been established, access to residential short breaks services will be made available to families and young people living in the Devon Local Authority area regardless of rural location, socio-economic status for example.</p> <p>As the service develops, providers will need to ensure that continuity of care is maintained. Any developments over the life of the contract that resulted in any change to the current offer would undergo a full consultation and impact assessment. This would include communication and engagement with children and families.</p>
<p>Environmental impacts (summary):</p>	<p>Packages are often offered in a short breaks provision as close to the child's home as possible. Additional travel would contribute to air pollution and have an impact on children's discomfort and families without access to transport will rely on transport being provided.</p>
<p>Economic impacts (summary):</p>	<p>The Commissioning options recommended enable a full range of suitable bidders the opportunity to bid for the provision of this contract and consortia bids to be submitted.</p>
<p>Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):</p>	<p>None</p>
<p>How will impacts and actions be monitored?</p>	<p>A risk register is in place for the project and will be updated to include 'unintended consequences' arising as the project progresses. Mitigating actions will be included on the risk register, monitored and risks re-assessed considering likelihood and impact using risk matrix as identified by Devon County Council. Information contained within the risk register, and important updates, recommendations and decision making provided regularly</p>

	<p>through the identified governance structures between the LA and the CCG's. This will include Short Breaks Joint Commissioning Board and the Procurement Steering Group.</p>
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A clear communication plan for children, families, partners and DCC teams to ensure they have full awareness of programme of work and the outcomes agreed and implemented for service delivery.

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	<p>Parents of disabled children and young people and children and young people aged 0-18 years with disabilities and additional needs including SEND now or in the future currently living across the Devon localities (North, East, South and Mid Devon) that currently access the VCL residential short break homes or may access the service in the future.</p> <p>Disabled children and young people in Care (aged 0-18 years).</p> <p>Residential short breaks services are provided to children and young people with eligible needs. Assessment of eligible need is undertaken by the Devon County Council Disabled Childrens Social Work Service.</p>
Diversity profile and needs assessment of affected people:	<p>The Joint Strategic Needs Assessment Devon Overview (2017) suggests there are 161,748 children and young people aged between 0-19 years currently living across the Devon localities.</p> <p>“The SEND Code of Practice states that a child or young person has special education needs ‘if they have a learning difficulty or disability which calls for special educational provision to be made for him or her’. There is consequently a significant overlap between those with disabilities and those with SEN; although not all children with disabilities will have SEN and vice versa” (p100).</p> <p>“We would expect more than 3,500 Devon children to experience problems with memory, concentration and learning (the most common area of difficulty), and more than 3,000 to have difficulties with communication. In terms of physical disabilities, the estimates suggest that 2,300 children in Devon experience mobility problems, more than 1,200 have impairments in manual dexterity and approximately 2,000 have coordination difficulties. We would expect over 1,000 Devon children to experience continence difficulties. Many children will of course</p>

	<p>experience difficulties in more than one area, meaning that these numbers should not be added together” (p101)¹.</p> <p>“Devon has a higher than average proportion of children with SEN; and especially of children identified as having SEN relating to social, emotional, behavioural and mental health needs. In terms of future need, based on population projections, there may be approximately 400-600 more children with disabilities in 2021 than there are at present in Devon. There may be an additional small increase in children with complex needs due to factors such as increased survival of preterm babies; and a continuing rise in children with diagnosed autistic spectrum disorders due to historical under-recognition.” (p5)²</p> <p>The total number of Children in Need in Devon for November 2017 is 5,262. Of these children in November 2017 268 disabled children were receiving a financial package to fund a short break and 1,146 other disabled children and young people were supported by the Disabled Children’s Social Work Service.³</p>
<p>Other stakeholders (agencies etc.):</p>	<p>Northern, Eastern and Western Devon Clinical Commissioning Group (CCG)</p> <p>South Devon and Torbay Clinical Commissioning Group(CCG)</p> <p>Special Schools and mainstream schools.</p> <p>Community Health Providers and providers of connected services. The current provider of the residential short breaks service VCL.</p> <p>Devon County Council’s Children’s Services</p>
<p>Consultation process and results:</p>	<p>In January 2015, Devon County Council began work with In-Control and a group of parent carers to look at how services for disabled children and young people could be improved and how parents can have a stronger voice</p>

¹ Direct quotes from the Joint Strategic Needs Assessment Overview, (2017).

² Devon’s Joint Strategic Needs Assessment for Children and Young People with Special Educational Needs and Disabilities (SEND), 2017.

³ Devon Children’s Social Work, Performance Workbook, Report of November 2017, Children’s Management Information Team

	<p>in the re-design process. Parents were subsequently involved in various areas of service development including identification of ‘burning issues’, establishing the ‘Vision’ for disabled children, helping to set the priorities for the Devon Multi-Agency Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) 2017-2020. They were also involved in the SEND peer review as well as many other aspects. The parent group has now been formalised within the SEND structure under the Local Offer Reference group and will be a source on consultation and feedback for the SEND Board alongside DPCV and DIAS. A separate period of consultation was also undertaken for the Devon’s Multi-Agency Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) 2017-2020 from January-March 2017.</p> <p>Northern, Eastern and Western CCG and South Devon and Torbay CCG have led a partnership approach to pre-procurement work for 2019 Community, Health and Care Services to be procured. This has included engagement and consultation with parents, children and stakeholders. This engagement focused on the strategy for a system of services to meet need https://www.newdevonccg.nhs.uk/your-ccg/children-and-young-people-100144</p> <p>Consultation obtained as part of the above work projects has been used to inform the options appraisal and recommendations for the re-commissioning of the Residential Short Breaks service.</p>
<p>Research and information used:</p>	<ul style="list-style-type: none"> • Joint Strategic Needs Assessment Devon Overview (2017) • Devon’s Joint Strategic Needs Assessment for Children and Young People with Special Educational Needs and Disabilities (SEND), 2017. • Devon Children’s Social Work, Performance Workbook, Report of November 2017, Children’s Management Information Team • Community, Health and Care services consultation https://www.newdevonccg.nhs.uk/your-ccg/children-and-young-people-100144 • Occupancy data for residential short break homes covering period 2015-2016

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	<p>In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage?</p> <p>Are there any lawful, reasonable and proportionate, unavoidable negative consequences?</p>	<p>In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, ‘close gaps’).</p> <p>In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?</p>
All residents (include generic equality provisions):		
Age:		Service specification is designed to cater for needs of children and young people with complex needs and disabilities from 0-18 years, as they change over time and to support young people during transition and transition

		<p>planning. Children’s Homes from which it is intended residential services will be provided are each adapted to meet different needs - ensuring best match for each child or young person.</p> <p>The specification would require successful bidder to consider development of services over life of contract with commissioners for children and young people with additional needs and disabilities up to 25 years and as per requirements of the SEND Code of Practice (2014). This means Local Authority meeting responsibilities whilst increasing opportunities and maximising opportunities for children from 0-25 years to facilitate them in reaching their highest potential and best possible outcomes.</p>
<p>Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:</p>	<p>The services within this contract meet the needs of children with disability including sensory, mobility, learning disability and ill health. The service is specified to be provided in a way that includes children in young people in the community and enables them to participate in activities alongside able-bodied children as their peers.</p>	<p>Residential short breaks services are designed to meet the needs of vulnerable children and young people who are disabled and have additional and complex needs. Service specification requires services be provided in ways that are safe, homely and from environments which are accessible and appropriate. This includes access to specialist equipment to ensure needs of children and young people are met. There is also a requirement for views of children and young people to be regularly obtained and used to improve service delivery to ensure it best meets the needs of this cohort. To promote inclusion, independence and mobility and facilitate children and young people to reach their potential and the best possible outcomes.</p>

		The development aspect of the contract offers opportunities for more choice to be offered to children and their families. This has the potential to increase choice and control, promote inclusion, independence and wider skills to enable disabled children to achieve the best outcomes.
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	The service specification for the delivery of the service requires the provider to deliver residential short breaks services in ways which recognise the cultural and ethnic customs, values, wishes or spiritual beliefs held by disabled children, young people and their families when accessing the service and ensure practice meets these needs.	
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	The service provider will deliver residential short breaks services in ways which recognise sex, gender and gender identity of disabled children, young people when accessing the service. This can mean providing gender neutral toilets and ensuring children are treated in accordance with their gender identity and supporting children appropriately if they are undergoing gender re-assignment. There is also a requirement for views of children and young people to be regularly obtained and used to improve service delivery to ensure it best meets the needs.	
Sexual orientation and marriage/civil partnership:	The service provider will be expected to deliver services in a way which respects people on the basis of sexual orientation such as treating same sex couple families with equal respect to opposite sex couple families.	

Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	Residential short breaks services are available to eligible children and young people living in the Devon Local Authority area this assessment is based on the needs of the child and their family.	
Human rights considerations:	<p>Services to be delivered in ways which promote the United Nations Convention on the Rights of the Child. In particular: -</p> <ul style="list-style-type: none"> • Article 12 (respect for the views of the child): - Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. • Article 23 (children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families. • Article 6 (life, survival and development) Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential. 	

Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of	Service specification will be designed to ensure personalisation of services for children and young people to reflect their individual packages of care. The successful provider of services will be required to promote opportunities for participating in community activities whilst a
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<p>place and interest) to be independent, empowered and resourceful?</p>	<p>child or young person is accessing the residential short breaks service in line with their personal interests and hobbies. Providers will also need to employ the use of strategies and resources that facilitate the young person to achieve maximum mobility and independence where possible. Feedback from children and young people will need to be regularly obtained by the successful provider and used to improve and develop services so they achieve the best possible outcomes for children and young people.</p>
<p>In what way can you help people to be safe, protected from harm, and with good health and wellbeing?</p>	<p>All bidders for the contract will need to demonstrate that they have experience of delivering safe high-quality services for children and demonstrate they meet the quality criteria to deliver against the specification. The terms and conditions of the contract will also ensure services are delivered in ways which comply with safeguarding policies and procedures</p>
<p>In what way can you help people to be connected, and involved in community activities?</p>	<p>The successful provider of services will be required to promote opportunities for participating in community activities whilst a child or young person is accessing the residential short breaks service in line with their personal interests and hobbies. The preferred option for delivery could allow for development over the life of the contract, as demand for residential short breaks reduces, alternative and complimentary services could be developed providing more opportunities for disabled children and young people and their families in their locality. This could include services available to disabled children delivered within local communities. This has the potential to increase choice and control, promote inclusion, independence and wider skills to enable disabled children to achieve the best outcomes.</p>

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce waste, and send less waste to landfill:	None	None
Conserve and enhance biodiversity (the variety of living species):	None	None
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	None	None
Conserve and enhance the quality and character of our	None	None

built environment and public spaces:		
Conserve and enhance Devon's cultural and historic heritage:	None	None
Minimise greenhouse gas emissions:	None	None
Minimise pollution (including air, land, water, light and noise):	Although packages are often offered in a short breaks provision as close to the child's home as possible in the future there may be increased travel. Additional travel may contribute to air pollution.	None
Contribute to reducing water consumption:	None	None
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	None	None
Other (please state below):	None	None

Section 4c - Economic impacts

	Describe any actual or potential negative consequences.	Describe any actual or potential neutral or positive outcomes.
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	(Consider how to mitigate against these).	(Consider how to improve as far as possible).
Impact on knowledge and skills:	Successful provider will need to ensure the staff within the service have the right skills to meet the needs of the children. The needs of children eligible for residential short breaks are becoming more complex. Bidders will be required to detail the staff training and development plan as part of the tender.	
Impact on employment levels:	Service changes to meet the changing needs of children over the life of the contract may result in staff changes. If this is substantial separate consultation and IA will be undertaken.	Job opportunities may be created to ensure delivery of services meets demand or linked to development of alternative service delivery over life of contract.
Impact on local business:		The commissioning options recommended enable a full range of suitable bidders the opportunity to bid for the provision of this contract and consortia bids.

Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	None
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Section 5 - 'Social Value' of planned commissioned/procured services:

<p>How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?</p>	<p>Social Value is evaluated at tender. A sustainability assessment matrix has been undertaken as part of the commissioning and procurement preparations.</p>
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