

Phil Norrey
Chief Executive

To: The Chair and Members of the
Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 4 December 2018
Please ask for : Karen Strahan, 01392 382264

Email: karen.strahan@devon.gov.uk
:

CABINET

Wednesday, 12th December, 2018

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

AGENDA

8 **Target Budget: 2019/2020** (Pages 1 - 4)

Report of the County Treasurer on the Target Budget, an update on the Local Government Settlement for forthcoming year and preparation of the budget and service expenditure targets, attached.

Electoral Divisions(s): All Divisions

11 **Residential Short Breaks for Disabled Children** (Pages 5 - 26)

(An item taken in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 with the consent of the relevant Scrutiny Committee Chair on the grounds that any delay could adversely impact on service users).

Report of the Head of Commissioning on the Residential Short Breaks for Disabled Children service, attached.

The attached Impact Assessment should be read in conjunction with the Report.


Electoral Divisions(s): All Divisions

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The [Forward Plan](#) is published on the County Council's website.

Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership
Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons
Cabinet Member Remits
Councillors Hart (Policy, Corporate and Asset Management), Barker (Resources), Croad (Community, Public Health, Transportation & Environmental Services), Davis (Infrastructure Development & Waste), R Gilbert (Economy & Skills) S Hughes (Highway Management), Leadbetter (Adult Social Care & Health Services), McInnes (Children's Services & Schools) and Parsons (Organisational Development & Digital Transformation)
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Karen Strahan, 01392 382264. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
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In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chair. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
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Questions to the Cabinet / Public Participation
A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. The name of the person asking the question will be recorded in the minutes. For further information please contact Karen Strahan on 01392 382264 or look at our website
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If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.
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NB   Denotes bus stops

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First Aid

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Budget 2019/20 Report of the County Treasurer

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect

Recommendations:

It is recommended that:

- (i) The additional funding outlined in the Chancellor's Autumn Budget be noted;
- (ii) The delay in the announcement of the Provisional Settlement be noted;
- (iii) The revenue spending targets for 2019/20 as set out in paragraph 5 are approved; and
- (iv) Members agree that the Capital Programme is determined by Cabinet on 15th February 2019.

1. Introduction

- 1.1. The Setting of the Budget Targets is the first step in the formal, Council wide, budget process. The Targets are set out in paragraph 5 and represent an overall increase of £14.4 millions or 3.0%.
- 1.2. The Provisional Local Government Finance Settlement was due to be announced on the 6th December but has now been delayed to an unspecified date. It is hoped that the Provisional Settlement will be received in sufficient time to report to the next meeting of Cabinet in January.

2. The Autumn Budget

- 2.1. The Chancellor of the Exchequer presented the Budget to the House of Commons on the 29th October; a month earlier than last year. The Budget contained additional funding for Local Government in both 2018/19 and 2019/20.
- 2.2. The additional funding for the current year, 2018/19, is of a Capital nature and is set out in the table over.
- 2.3. For 2019/20 the Chancellor announced an additional £650 millions of Revenue funding for Adult and Children's Social Care. £410 millions is for a Social Care Support Grant that is being given in response to concerns nationally of pressures in Social Care, including Children's. The remaining £240 millions is a Winter Pressures Grant and will need to be pooled into the Better Care Fund but is specifically for Councils to spend on Adult Social Care.

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	National figure £000	Devon's share £000
<u>2018/19 – Capital sums</u>		
Local Highways Maintenance Funding - repair of roads (including potholes), bridges and local highways infrastructure generally	420,000	18,754
National Productivity Investment Fund (NPIF) – minor junction and road layout improvements	150,000	TBC*
Disabled Facilities Grants – to be pooled in the Better Care Fund and allocated to Devon Districts	55,000	791
School Equipment and Capital Maintenance – direct to schools	400,000	Estimated 5,158
<u>2019/20 – Revenue sums</u>		
Social Care Support Grant	410,000	6,109
Winter Pressures Grant	240,000	3,576

*the NPIF funding is expected to be allocated via a competitive bid process

3. Provisional Settlement

3.1. The Provisional Local Government Settlement for 2019/20 was due to be announced on 6th December. Unfortunately however, on 5th December James Brokenshire, Secretary of State for Ministry of Housing, Communities and Local Government made a written statement to Parliament stating that the intention to publish the Provisional Settlement on the 6th December was made prior to the scheduling of the meaningful vote [Brexit vote]. The Government has therefore taken the decision to delay the Provisional Settlement until after this 'protected period'. No specific date has been given for when the announcement will be made.

3.2. The timing of the Final Settlement is also not known but if events follow the same pattern as last year then the Final Settlement should be received in sufficient time for consideration at the scheduled budget meetings in February.

4. 2019/20 75% Business Rate Retention Pilots

4.1. In the summer the Government invited Local Authorities to apply to become 75% Business Rate Pilots. It had been hoped that the 2018/19 100% Pilots would continue into 2019/20 but this was not the case. Following the success of the Devon Pilot this year, the Devon authorities submitted a bid to join the new pilot scheme in 2019/20.

4.2. As part of the Provisional Settlement the Government was due to announced which applications had been successful but this has also now been delayed.

5. 2019/20 Targets

5.1. The proposed targets are set out in the table over.

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	2018/19 Adjusted Budget*	Inflation, Pressures & NLW	Savings	Removal of one off Budgets	Removal of 18/19 one off iBCF	Addition of 19/20 one off iBCF	2019/20 Budget	
	£000	£000	£000	£000	£000	£000	£000	£000
Adult Care & Health	228,051	13,517	(3,866)	0	(10,148)	5,045	232,599	2.0%
Childrens Services	123,569	13,229	(1,645)	0	0	0	135,153	9.4%
Community, Health, Environment & Prosperity	38,326	1,431	(762)	(418)	0	0	38,577	0.7%
Corporate Services	35,306	1,476	(3,808)	0	0	0	32,974	-6.6%
Highways, Infrastructure Development & Waste	54,164	3,700	(3,317)	0	0	0	54,547	0.7%
	479,416	33,353	(13,398)	(418)	(10,148)	5,045	493,850	3.0%

* Adjusted for permanent virements

5.2. The Capital Programme for 2019/20 to 2023/24 will be presented to Cabinet at the February Budget meeting.

Mary Davis
County Treasurer

Electoral Divisions: All
Cabinet Member: Councillor Stuart Barker
Local Government Act 1972: List of Background Papers
Autumn Budget 2018
Contact for enquiries:
Angie Sinclair
Tel. No. 01392 380711

Cabinet
12th December 2018

RESIDENTIAL SHORT BREAKS FOR DISABLED CHILDREN

Report of the Chief Officer Childrens Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation:

- (a) That Cabinet agree, from the 1st April 2019, the Residential Short Breaks Services for Disabled Children be brought in house for direct delivery by the Local Authority
- (b) That the Chief Officer for Children's Services, in consultation with the Cabinet Member for Children's Services and Schools, progresses these arrangements and puts in place the appropriate leadership and governance for the services

1. Background/Introduction

- 1.1 Childrens Services in partnership with NEW Devon and South Devon and Torbay Clinical Commissioning Groups (CCGs) are responsible for commissioning a range of short breaks services for disabled children. The SEN Code of Practice (2015) requires the Local Authority to publish this offer for families.
- 1.2 The purpose of these services is to enable children to access opportunities in the community or overnight which supports their development. This also offers families and carers the opportunity to take a break from caring. Families are accessing a good range of community based short breaks and are choosing residential short breaks less; preferring to have choice and control over direct payments or access to community-based resources.
- 1.3 Cabinet agreed on the 11th October 2017 to undertake an options appraisal for the Short Breaks Service to consider the future delivery of the service.
- 1.2 An options appraisal and equality impact assessment were undertaken. It was agreed to undertake a procurement for Residential Short Breaks Service's with the LA as lead commissioner by Delegated Decision in June 2018.

2. Residential Short Breaks for Disabled Children, current arrangements.

- 2.1 The current service is provided under the Integrated Childrens Service's contract provided by Virgin Care Ltd. This contract expires on the 31st March 2019. The Service operates in four areas of the County to meet the needs of disabled children as close to home as possible.

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3. Procurement Process

- 3.1 Following the June 2018 decision, a tender process was undertaken. Market warming events showed a good level of interest in delivering this service. Tender launch events were well attended.
- 3.2 The first tender process closed on the 6th August 2018, no bids were received.
- 3.3 Feedback from potential bidders was collated to establish the reasons for providers not bidding and to identify any barriers to responding to the opportunity. Following feedback, changes were made to the tender pack, such as changing the termination clauses to balance risk as well as ensuring the transition fund was available for a longer term of the contract.
- 3.4 A second tender process closed on the 1st of November. This tender process resulted in one bid being received which was non-compliant and therefore excluded.

4. Procurement Options/Alternatives

- 4.1 The following options were identified following the aborted procurement process:
 - a) **Continue with the procurement process** notwithstanding that the sole bid was non-compliant. This option was discounted on the grounds that it would breach public procurement rules with an unacceptable risk of legal challenge together with service continuity and financial risks.
 - b) **Directly award the contract** to a provider in the market. This option was discounted on the grounds that it would breach public procurement rules with an unacceptable risk of legal challenge together with service continuity and financial risks.
 - c) **Run another procurement process.** This option was discounted on the grounds of lack of time and because it was unlikely to result in a different outcome without substantial changes being made to structure of the offer.
 - d) **Insourcing the service** to the direct management of the Local Authority

5. Financial Considerations

- 5.1 This is a jointly commissioned service with the Local Authority and the CCG's having responsibility to fund short breaks services. The current provider has indicated that the staff within the service will be entitled to TUPE transfer. The staff list we have received shows a headcount of 61 staff which equates to approximately 43 FTE.
- 5.2 The original budget for the contract over the three-year period 2019/20 to 2021/22 was set at £4.4 millions which includes CCG contributions of £1.4 millions. The budget of £4.4 millions is predicated on savings arising from a reconfigured service that reflects the shift to more community based short breaks, the preferred option of parents.
- 5.3 The aborted procurement and subsequent shortened timescales will delay implementation of service reconfiguration. As a result the estimated budget

requirement over the three years could be as high as £6.7 millions, creating a potential budget pressure of £2.3 millions.

- 5.4 Recognising that an incoming provider would need to undertake significant service redesign a transition fund was made available. A contingency was also made available to deal with unforeseen circumstances arising from the disaggregation of the wider Integrated Children's Services contract. If the estimated service cost of £6.7 millions holds then the transition and contingency budgets should be sufficient to manage the budget pressure identified.
- 5.5 However, this assumes a significant service redesign can be achieved by mid-year 2020/21 with no additional costs; that skills and resources will be used in a different way thus avoiding the need for redundancies but fully depletes the contingency fund.
- 5.6 Due to constrained timescales support service managers have not yet had opportunity to assess and quantify the corporate impact of bringing the service in house. It is likely that there will be resource implications for support functions, IT and estates which will result in additional costs to the Authority.

6 Legal Considerations

- 6.1 Legal considerations relate to the procurement options and are detailed in section 4. The recommendation to bring the residential short breaks service into the provision of the Local Authority is compliant with the public procurement rules and therefore the lowest risk option.
- 6.2 For the Local Authority to directly deliver short breaks services a range of governance steps will need to be taken. This will include registration with Ofsted and the appointment of oversight to a Responsible Individual.

7 Environmental Impact Considerations

None

8 Equality Considerations

- 8.1 Where relevant to the decision, the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other prohibited conduct;
 - advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
 - foster good relations between people by tackling prejudice and promoting understanding.
 - taking account of age, disability, race/ethnicity (includes Gypsies and Travellers), gender and gender identity, religion and belief, sexual orientation, pregnant women/ new and breastfeeding mothers, marriage/civil partnership status in coming to a decision, a decision

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maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

- 8.2 In progressing this particular scheme/proposal, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available alongside this Report on the Council's website at: <https://new.devon.gov.uk/impact/>, which Members will need to consider for the purposes of this decision.

9. Risk Management Considerations

- 9.1 A risk register was in place for the re-commissioning of this service and contingency options set out as mitigation for an aborted procurement.

10. Public Health Impact

None

11. Summary/Conclusions/Reasons for Recommendations

- a) That Cabinet agree, from the 1st April 2019, the Residential Short Breaks Services for Disabled Children will be brought in house for direct delivery by the Local Authority and;
- (b) That the Chief Officer for Children's Services, in consultation with the Cabinet Member for Children's Services and Schools, progresses these arrangements and puts in place the appropriate leadership and governance for the services.

Electoral Divisions: All

Cabinet Member for Children's Services and Schools Councillor James McInnes

Chief Officer for Children's Services Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: *Fiona Fleming Head of Commissioning Childrens Services*

Tel No: 01392 383000 Room: 130

<u>BACKGROUND PAPER</u>	<u>DATE</u>	<u>FILE REFERENCE</u>
<i>Cabinet Paper October 2017</i>		

Impact Assessment

Version 2017

To publish, please send a dated PDF to impactassessment-mailbox@devon.gov.uk

Assessment of:	Residential Short Breaks for Disabled Children recommendation to bring into direct delivery of the Local Authority.
Service:	Residential Short Breaks for Disabled Children

Head of Service:	Fiona Fleming Head of Commissioning, Devon County Council
Date of sign off by Head of Service/version:	28 th November 2018
Assessment carried out by (incl. job title):	Children's Services Commissioning Team

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Section 1 - Background

Description:	<p>This proposal aims to assess the impact of the recommended decision for the delivery of some residential short breaks services in Devon from April 2019. This concerns the residential short breaks services within the Integrated Childrens Services Contract currently provided by Virgin Care Limited (VCL).</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, within a provision which is registered as a children's home.</p>
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	<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 (https://devoncc.sharepoint.com/sites/PublicDocs/Education/Children/SEND/Strategic%20Documents/Devon%20SEND%20Strategy%202017-20.pdf?slrid=301ea79e-d057-7000-5f2b-3b413f597a77).</p> <p>The continued provision of the short breaks service is in line with the delivery of the above duties and strategy.</p>
<p>Reason for change/review:</p> <p>Page 10</p>	<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 agreed on the 11th October 2017 to undertake an options appraisal for the Short Breaks Service to consider the future delivery of the service.</p> <p>An options appraisal and equality impact assessment were undertaken. It was agreed to undertake a procurement for Residential Short Breaks Service's with the LA as lead commissioner by Delegated Decision in June 2018.</p> <p>The first tender process closed on the 6th August 2018, no bids were received.</p> <p>Feedback from potential bidders was collated to establish the reasons for providers not bidding and to identify any barriers to responding to the opportunity. Following feedback, changes were made to the tender pack, such as changing the termination clauses to balance risk as well as ensuring the transition fund was available for a longer term of the contract.</p> <p>A second tender process closed on the 1st of November. This tender process resulted in one bid being received which was non-compliant and therefore excluded.</p> <p>Therefore, Devon County Council, NEW Devon and South Devon and Torbay CCG's have been working to consider contingency options to ensure both the delivery of the residential short breaks services from April 2019 and continuity of care for children, young people and their families.</p>

Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

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Options Appraisal and Recommendations:	<p>The following options were identified following the aborted procurement process:</p> <ul style="list-style-type: none"> a) Continue with the procurement process notwithstanding that the sole bid was non-compliant. This option was discounted on the grounds that it would breach public procurement rules with an unacceptable risk of legal challenge together with service continuity and financial risks. b) Directly award the contract to a provider in the market. This option was discounted on the grounds that it would breach public procurement rules with an unacceptable risk of legal challenge together with service continuity and financial risks. c) Run another procurement process. This option was discounted on the grounds of lack of time and because it was unlikely to result in a different outcome without substantial changes being made to structure of the offer. d) Insource the service to the direct management of the Local Authority
Social/equality impacts (summary):	<p>Bringing the residential short breaks service in-house in line with the recommended option will retain all the potential positive impacts that would have been achieved through successful re-commissioning of the service. Quality monitoring and governance will be in place 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>

	Any service developments 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. But could have the potential to increase choice and control, promote inclusion, independence and wider skills to enable disabled children to achieve the best outcomes over time.
Environmental impacts (summary):	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.
Economic impacts (summary):	Job opportunities may be created to ensure delivery of services meets demand or linked to development of alternative service delivery. This includes opportunities for local contractors (of utilities, food, cleaning services).
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	None
How will impacts and actions be monitored?	<p>If the recommendation to bring services in-house is agreed, a project group will oversee the transition of the residential short breaks services from VCL to DCC by 1st April 2019. A risk register 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 through the identified governance structures between the LA and the CCG's and reported through Childrens Services and where appropriate Corporate Risk Register.</p> <p>A clear communication plan for children, families, partners and DCC teams to ensure they have full awareness of programme of work required to ensure the service transfers smoothly and safely will be updated.</p>

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

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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> <p>The current provider has indicated that the staff within the service will be entitled to TUPE transfer. The staff list we have received shows a headcount of 61 staff which equates to approximately 43 FTE.</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>At 14th October 2018, there were 374 disabled children and young people accessing the Disabled Children’s Social Work Service. 79 were Children Looked After and 296 are Children in Need</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>
Other stakeholders (agencies etc.):	<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 until March 2019.</p> <p>Devon County Council’s Children’s Services</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>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 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.

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Characteristics	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps'). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
All residents (include generic equality provisions):		

<p>Age:</p>		<p>The Service 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 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>In line with strategic vision a plan may be constructed for the development of services over 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. Developing services over time has the potential to offer 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.</p>
<p>Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:</p>	<p>The services will meet the needs of children with disability including sensory, mobility, learning disability and ill health. The service will be provided in a way that includes children in young people in the community and enables them to participate in</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. Services will be required to 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.</p>

	<p>activities alongside able-bodied children as their peers.</p>	<p>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. This will be monitored through quality assurance processes and governance for services.</p>
<p>Culture and ethnicity: nationality/national origin, skin colour, religion and belief:</p>	<p>Quality monitoring and governance will be in place to ensure the delivery of 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.</p>	
<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women’s right to breastfeed).</p>	<p>The service 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.</p>	

	This will be monitored through quality assurance processes and governance for services.	
Sexual orientation and marriage/civil partnership:	The service 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. This will be monitored through quality assurance processes and governance for services.	
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.

<p>In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?</p>	<p>Quality monitoring and governance will be in place to promote personalisation of services for children and young people to reflect their individual packages of care. 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 service 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>The current provider has indicated that the staff within the service will be entitled to TUPE transfer. The staff list we have received shows a headcount of 61 staff which equates to approximately 43 FTE.</p> <p>They will continue to deliver safe high-quality services for children meeting the quality criteria to deliver against the specification. The services will be 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 service 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 insourcing of the service could allow for development into a broader range of options, 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</p>

	has the potential to increase choice and control, promote inclusion, independence and wider skills to enable disabled children to achieve the best outcomes.
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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):

Page 22	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	None	None

living species):		
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	None	None
Conserve and enhance the quality and character of our built environment and public spaces:	None	None
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	None	None

(warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		
Other (please state below):	None	None

Section 4c - Economic impacts

	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).
Impact on knowledge and skills:	The current provider has indicated that the staff within the service will be entitled to TUPE transfer. This will ensure the current experience and skilled staff continue to be available for the children, young people accessing the service. The needs of children eligible for residential short breaks are becoming more complex. Quality monitoring and governance will be in place to ensure staff training, and individual leaning and development plans are delivered according to Devon's requirements.	
Impact on employment levels:	Service changes to meet the changing needs of children over the life of the contract may result in	Job opportunities may be created to ensure delivery of services meets demand or linked to development of alternative service delivery.

	staff changes. If this is substantial separate consultation and IA will be undertaken.	
Impact on local business:		Opportunities may be made available to other local contractors (of utilities, food, cleaning services for example) to ensure delivery of services indicated in recommended option for delivery of services from April 2019.

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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:

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	
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process of procurement, might that
improvement be secured?