

Impact Assessment



Assessment of: Residential Short Break Provision for Children with Disabilities – Robins Provision

Service: Childrens Services

Head of Service: Vikki Hearn - Head of Service for Commissioning and Resources.

Version / date of sign off by Head of Service: 15 February 2024

Assessment carried out by (job title): Sophie Holmes, Senior Commissioning Manager

1. Description of service

This assessment is concerned with the provision of Short Breaks and 52 weeks placements in Robins Children's Home, which offers 8 beds and is located in Dartington, Totnes.

Local authorities have a statutory duty to provide or commission Short Breaks for children with a disability and to provide suitable accommodation for looked after children. These duties are set out in the Children Act 1989 and associated guidance and regulations

2. Proposal, aims and objectives, and reason for change or review

In November 2023, following notice being served by the Service provider (and property owner), Devon County Council negotiated to take over the provision and bring it within the specialist Children's Homes portfolio as the option of least risk to the children, young people and families using the service in the short term, until 31 March 2024.

Devon County Council propose to continue to operate the service within its specialist Childrens Homes portfolio, onwards, from the 31 March 2024.

3. Risk assessment, limitations and options explored (summary)

The proposal to bring the service within Devon County Council's specialist Children's Homes portfolio is based on the assessment that this will provide the highest level of confidence in the effective delivery of quality and sustainable services which are critical to the fulfilment of the strategic intent and aspirations for children, young people and families in Devon.

The four other homes within the portfolio are all Ofsted rated Good .These are, Welland House in Barnstaple, registered for 5 beds, Meadowpark with 4 beds in Exeter, 3 beds are available at Hillcrest in Honiton and 1 bed for a 52-week placement at Barnes in Tiverton. The addition of the service at the Robins in the Southern locality, would allow for a mixed economy of quality assured support offers and a more equitable spread across the county that will prevent children from coming into care.

This recommendation avoids the estimated £2.8 million revenue costs associated with closure of the current service and reputational damage and unintended consequences, including pressure on children with SEND. It also ensures continued provision (at maximum capacity) of Short Breaks and 52 weeks residential services within South Devon to deliver better outcomes for CYP and their families, meet statutory responsibilities and reduce reliance on low quality, high cost, unregistered alternatives or coming into care.

There are further benefits related to bringing the service in-house, including, increased partnership working between teams and with health colleagues, enabling improvements to service projections and matching. Greater opportunities to develop a strong partnership approach with Bidwell Brook, a maintained school which is located next to Robins to share resources and maximise the benefits gained to children, young people and their families. Greater control over the specialist support offered, effective and flexible utilisation of staff, promoting more efficient expenditure and value for money in the long term.

4. People affected, diversity profile and analysis of needs

There are currently 1,864 children and young people with SEND who are receiving short breaks support. 1,604 of the children and young people are also in receipt of an EHCP. Nearly 31% of children and young people with SEND accessing short breaks live in the local authorities Mid and East locality, 28% live in Exeter locality, 21% live in South locality and 17% live in North locality.

The most predominant primary need listed for those children and young people who are accessing short breaks and have an EHCP is Autism Spectrum Disorder (37.47%), followed by Speech Language and Communication Needs (17.77%) and then Social Emotional and Mental Health (12.78%).

Feedback from parents and carers in relation to Devon's Short Breaks offer is that sufficient equity across the whole county is not apparent. Additionally, families want their children to receive high quality short breaks, provided by trained staff in a safe environment. The service at the Robins is currently the only option for specialist residential provision situated in the Southwest region with the next, similar provision being located 28 miles away.

Devon County Council's *Short Breaks Commissioning Strategy 2021 – 2025*, sits within the overarching SEND Strategy and incorporates its vision, key priorities and outcomes. The Short Breaks provision at *Robins* contributes to Devon's SEND Transformation Programme by ensuring children who require specialist support are able to access vital offers which help families to better cope and remain together and mitigating unintended pressure on residential schools as the only alternative for an overnight stay in the Southwest of the County.

Devon has a cohort of disabled children with complex needs and limited options in terms of providers with the right skill set to work with them effectively. Devon's Disabled Children's service have assessed current profiles and identified 7 CYP in the Southwest who require support from the Robins in 2024 and ongoing for the next 3 years. This is in addition to the 8 CYP who currently use the service. The profiles highlight the levels of complexity, intensity and skills of the Short Breaks support required by this particular cohort of CYP.

13 staff members employed by the previous Service Provider have been TUPE transferred to Devon County Council. A Registered Manager, Team Manager and 10 support workers have been employed since Devon CC took responsibility for the service in November 2023.

5. Stakeholders, their interest and potential impacts

Historically, Torbay and Plymouth City Council have used this provision and have confirmed their commitment to continue to do so with a minimum requirement of 545 bed stays per annum.

Services at Robins have established positive relationships with families, local education leaders and local Councillor Jacqui Hodgson and have recently received appreciative feedback from the families of children and young people who receive support

The advantage of Robins being operated in-house is that it enables strong partnership working between different Service Managers, Health and Education colleagues in terms of improved forward planning for effective utilisation of capacity, achieving the right mix of children and managing the balance of individual needs with the impact of a new admission on the dynamic within the home, which is a key Ofsted requirement.

Bidwell Brook, a maintained school, located next to the Robins, Ofsted rated good and part of the Learn to Live Federation shares the same ethos and commitment to promoting inclusion with potential to pool resources and realise greater benefits for children and young people by working in partnership.

6. Additional relevant research used to inform this assessment

A number of national reports were consulted, these include: The Independent Review of Children's Social Care, May 2022, The Competition and Markets Authority study, March 2022 and The High-cost children's social care placements survey, LGA, November 2023.

7. Description of consultation process and outcomes

There has not been a requirement for formal consultation, however the consequences of the previous Service Provider's announcement to close their children's home in July 2023, did create concern in the children and young people who use Robins, and their families. It also impacted Plymouth and Torbay Councils who regularly use the service.

Since approval for Devon County Council to takeover and operate services at the Robins was granted in November 2023 until 31 March 2024, significant remedial and development work was undertaken, at pace, to transition and establish the service in accordance with in-house requirements.

The service has established positive relationships with families, local education leaders and Councillor Jacqui Hodgson and has recently received appreciative feedback from the families of children and young people who receive support, as demonstrated by these two examples:

"It's great to see how committed DCC is to getting things up and running and we are eternally grateful".

“Thank you for all that you do and for the continued support for our family with arranging the Robins stays. We're all better people for having them (T is happier and we're happier). The stays are invaluable to us”

A communication has been shared with the families of children and young people who use the service and staff members in respect of the recommendation made by Devon County Council's Strategic Leadership Team to Cabinet to continue to operate the service, post March 2024.

Background information

8. Equality analysis

Under the Equality Act 2010, the local authority must consider how people will be affected by a 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 across protected characteristics of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (for work), sex, sexual orientation, race, and religion and belief. 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.

- a) Is this group negatively or potentially negatively impacted, and in what way?
- b) What could be done or has been done to remove the potential for direct or indirect discrimination, harassment or disadvantage and inequalities?
- c) In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?
- d) What can be done to advance equality further? This could include meeting specific needs, ensuring equality of opportunity and access, encouraging participation, empowering people, making adjustments for disabled people and action to reduce disparities and inequalities.
- e) Is there a need to foster good relations between groups (tackled prejudice and promote understanding) and help people to be safe and protected from harm? What can be done?

All residents by geographic area

Robins is a purpose-built facility in Dartington, Totnes for residents with physical and /or behavioural disabilities

Children and young people in the South West locality of Devon will be able to access Short Breaks and 52 weeks placements allowing for a mixed economy of quality assured support offers and a more equitable spread across the county that will prevent children from coming into care.

Services delivered to children and young people will take account of their culture, ethnic wishes, gender and sexual orientation to ensure their needs are fully met.

The service will be expected to evidence that core outcomes are being achieved including:

- High -quality care
- Protection from ill treatment, neglect and violence and are safe
- Feeling included to participate in their local community

Age

Services will be provided to support the needs of children and young people aged 0-18 including those with SEND.

Referral arrangements will be monitored to ensure the best match for each child or young person.

Disability (includes sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people

This service is designed to meet the needs of children with a disability including sensory, mobility, learning disability, neurodiversity, mental and ill health. The nature of the service is designed to meet the needs of the carers of the children.

Race and culture: nationality/national origin, ethnic origin, skin colour, religion and belief, asylum seeker and refugee status, language needs

The service is required to deliver Short Breaks and 52 weeks placements in ways which recognise the cultural and ethnic customs, values, wishes or spiritual beliefs held by children, young people and their carer/families when accessing the service and to ensure practice meets these needs.

Sex and gender identity and reassignment (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)

The service provider will be delivered in ways which recognise sex, gender and gender identity of children and young people when accessing the service.

Sexual orientation, and marriage/civil partnership if work related

The service will be delivered in ways which recognise the sexual orientation of children and young people in care when accessing the service.

It will be recommended providers access the following resource to ensure they follow best practice: - <https://new.devon.gov.uk/equality/lgbttoolkit>

Other relevant socio-economic factors and intersectionality

This includes, where relevant: income, housing, education and skills, language and literacy skills, family background (size/single people/lone parents), sub-cultures, rural isolation, access to services and transport, access to ICT/Broadband, children in care and care experienced people, social connectivity and refugee status/no recourse to public funds. Also consider intersectionality with other characteristics.

Following appropriate assessment and where eligibility has been established, the service will be accessible to all children and young people in care living in the Devon Local Authority area regardless of rural location, socio-economic status etc.

9. Human rights considerations:

We 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).

Services to be delivered in ways which promote the United Nations Convention on the Rights of the Child. In particular: -

- 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.

10. Environmental analysis

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 mark X in the relevant box below and proceed to the 11, otherwise complete the environmental analysis information below):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	

- a) Description of any actual or potential negative consequences and consider how to mitigate against these.
- b) Description of any actual or potential neutral or positive outcomes and consider how to improve as far as possible.

Reduce, reuse, recycle and compost

Conserve and enhance wildlife

Safeguard the distinctive characteristics, features and special qualities of Devon's landscape

Conserve and enhance Devon's cultural and historic heritage

Minimise greenhouse gas emissions

Minimise pollution (including air, land, water, light and noise)

Journeys made in the delivery of this service may contribute to air pollution

Contribute to reducing water consumption

Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level)

11. Economic analysis

- a) Description of any actual or potential negative consequences and consider how to mitigate against these.
- b) Description of any actual or potential neutral or positive outcomes and consider how to improve as far as possible.

[If carrying out an options appraisal, explore the pros and cons of each option for each area]

Impact on knowledge and skills

Impact on employment levels

Job opportunities may be created to ensure the delivery of services meets demand.

Impact on local business