

Residential Short Break Provision for Children with Disabilities – Robins Provision

Report of the Director of Children and Young People's Futures

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.

1) Recommendation

That the Cabinet be asked to:

- (a) approve Devon County Council's continued operation of residential short break and 52-week provision at Robins Children's Home, onwards, from 31st March 2024
- (b) endorse the movement of £2 million budget from independent placements for children in care, as a result of this policy change.

2) Background

- 2.1 In July 2023, following a Requires Improvement Ofsted rating, the independent provider, Lifeworks issued 3 months' notice for the termination of their provision of Short Breaks and 52 weeks placements within Robins Children's Home. Devon County Council negotiated with Lifeworks to take over the provision and bring it within the specialist Children's Homes portfolio as the option of least risk in the short term.
- 2.2 In November 2023, Devon County Council took interim responsibility for operations at the facility with an aim to provide a mix of full-time and respite placements, and incrementally recruit staff and scale the service up to 8 beds, until 31 March 2024. This decision was made by the Director of Children's services acting within his delegated authority.

3) Proposal

- 3.1 This report seeks approval for the operation of the service to remain within Devon County Council's specialist Children's Homes portfolio. This option provides the highest level of confidence in delivering quality and sustainable services aligned to our strategic intent and aspirations for children, young people and families in Devon. The building is currently underutilised and has the potential to offer up to 8 beds, with a combination of 52-week placements and overnight respite beds.

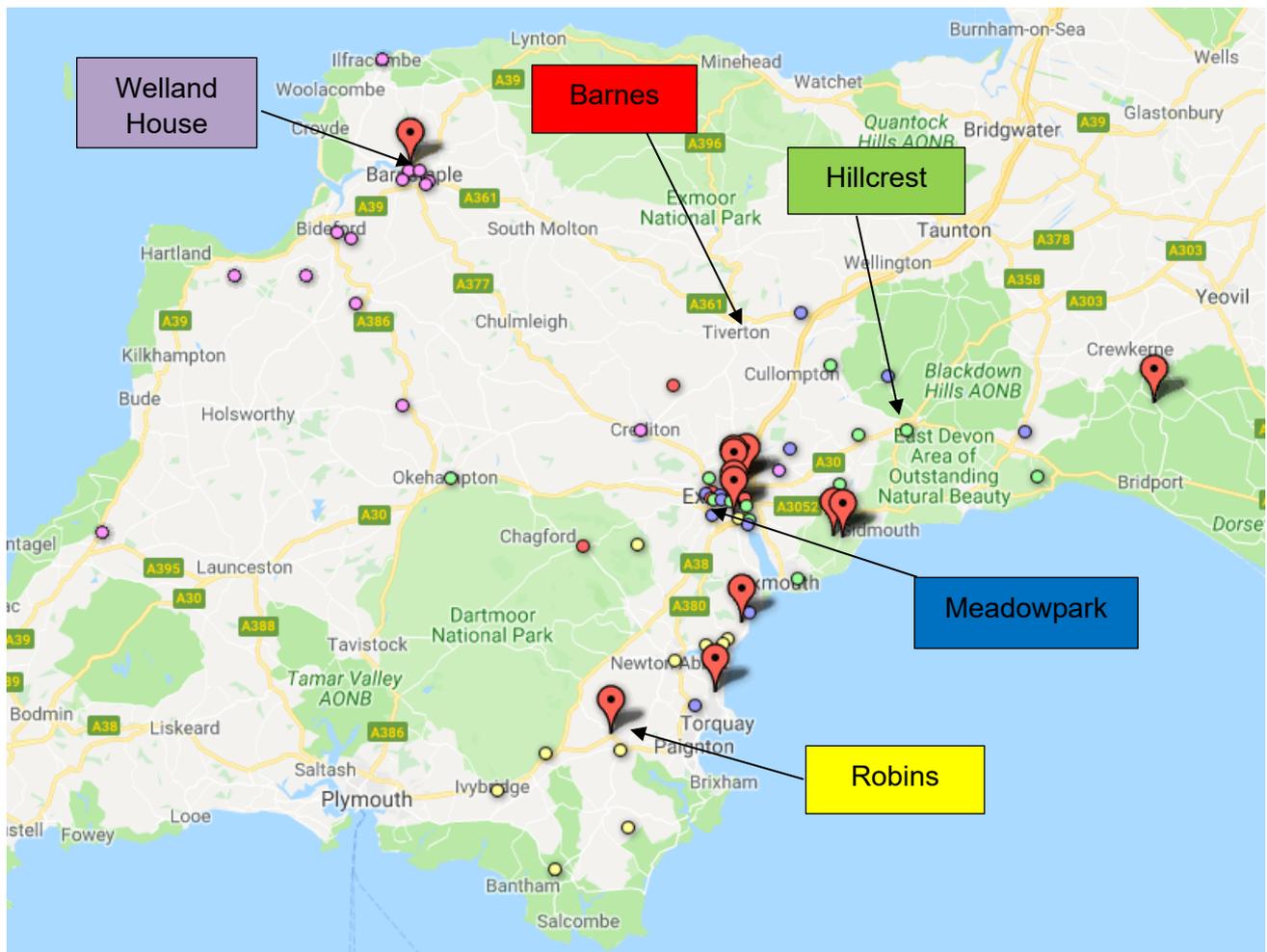
3.2 The four other homes within the portfolio have all, within the last 12 months, been inspected by Ofsted and rated Good. They are integral to Devon's residential short breaks offer to children with complex disabilities and their families.

These are:

- Welland House in Barnstaple, registered for 5 beds,
- Meadowpark in Exeter, registered for 4 beds,
- Hillcrest in Honiton, registered for 3 beds and;
- Barnes in Tiverton, registered for 2 bed and a 52-week placement.
- There are planned increases to the room capacity for Welland and Barnes.

3.3 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.

3.4 The map below shows the locations of the Childrens Homes, Residential addresses (small markers) and School addresses (large red markers) of the children and young people.



4) Options / Alternatives

- 4.1 A number of options were considered in relation to service delivery after 31 March 2024
- 4.2 **Do Nothing**
Service closure would have an adverse impact on the 11 families who are currently using the service. The children would need to be moved to alternative provision which, for some, is highly likely to be unregistered at increased cost with associated unintended consequences. The estimated cost of the alternative provision would be approximately £2.8 million, and the closure will increase market insufficiency and inequity with no other provision available within 28 miles for children in South Devon. Devon County Council would be open to legal challenge for not meeting its statutory responsibilities.
- 4.3 **Outsource the service to an independent provider**
The requisite procurement exercise would require a minimum of 6 months and an indicative cost of £25,000 to complete. This would exceed the current March deadline by several months.
- 4.4 Currently, there are not enough places in the independent residential sector, which is experiencing challenges for a number of reasons including challenges in recruiting an appropriately skilled workforce and increasingly aggressive competition for placements from other local authorities
- 4.5 There are several risks associated with outsourcing, including previous market testing and current market profiling evidencing a severe shortage of potential providers to operate the service. Additionally, there is strong evidence to suggest that costs may escalate through high levels of debt or leverage among the largest private providers and a fear of negative Ofsted judgements may lead to excessive charges and /or service termination, creating further disruption to children and their families. The significance of these factors call into question both the viability and sustainability of the option to outsource.

5) Consultations / Representations / Technical Data

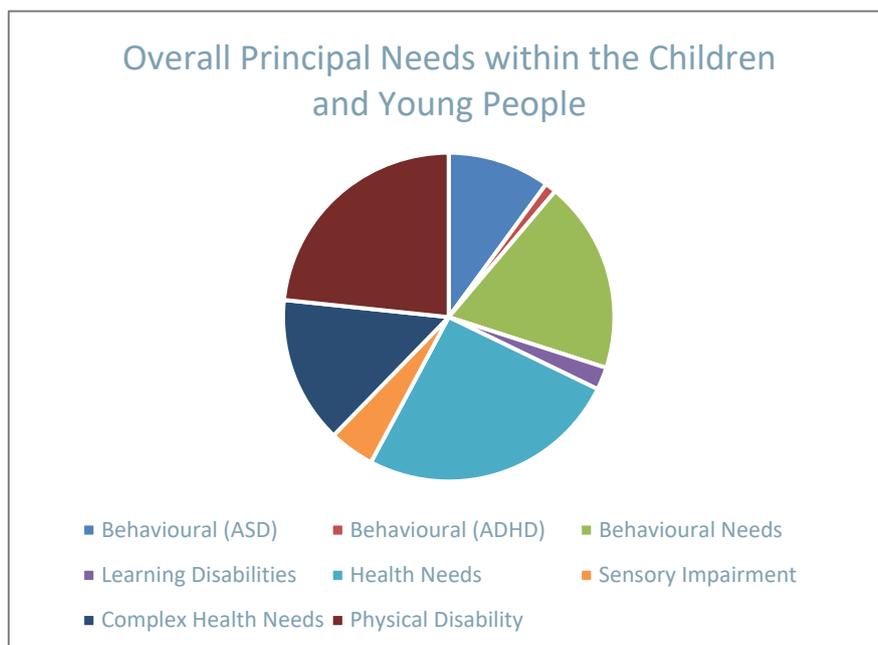
- 5.1 There has not been a requirement for formal consultation, however the consequences of Lifework's decision and announcement to close their children's home in July 2023, did create significant concern for the children and young people who use Robins, and their families. It also impacted our Health partners and Plymouth and Torbay Councils who regularly use the service.
- 5.2 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.
- 5.3 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 "*It's great to see how committed DCC is to getting things up and running and we are eternally grateful*".

- 5.4 The service has stabilised and since November, there have been 3 full time residents at Robins and 8 young people have had a Short Break. Families have expressed positive feedback to the service, *“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”*

6) Strategic Plan

- 6.1 This proposal aligns with a range of the Strategic Plan priorities related to achieving the best outcomes for children and young people in Devon.
- 6.2 Short breaks provide disabled children and young people with an opportunity to meet new people, try new experiences, including learning opportunities and provide families with some respite from their caring responsibilities. Devon is developing a graduated offer that provides opportunities for short breaks at different levels and over a diversity of needs.
- 6.3 At one end of the continuum, we are developing our community-based offer through the Family Hubs model and for more complex needs an overnight short break offers short-term care for children and young people with a disability or health condition that significantly impacts on the family. This can be provided by a foster carer, registered children’s home (for short breaks) or an additional carer within the family home.
- 6.4 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 our SEND Transformation Programme. It will ensure children who require specialist support are able to access vital offers which help families to better cope and remain together, preventing an escalation of needs and costs arising from inadequate provision and mitigating unintended pressure on residential schools as the only alternative for an overnight stay in the Southwest of the County.
- 6.5 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 the subject 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. Just over 2% reside outside of Devon.
- 6.6 Feedback from parents and carers in relation to Devon’s Short Breaks offer is that overnight provision is not equitable across the county. Additionally, families want their children to receive high quality overnight 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.

- 6.7 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, which are representative of the cohort this report is concerned with. Additionally, a combination of complex behaviour and poor matching processes creates instances where the total capacity of a residential home has been absorbed by one individual which significantly reduces available provision
- 6.8 This chart highlights the needs at most demand in the cohort of children who use Robins, some of these needs are coincident with each other.



- 6.9 Devon's Disabled Children's service have assessed current profiles and identified 5 additional children and young people in the Southwest who require a mixture of Short Breaks and 52 weeks support from the Robins in 2024 and ongoing for the next 3 years. The profiles highlight the levels of complexity, intensity and skills of the support required by this particular cohort of CYP and that there is greater demand for this provision than there is supply at present.
- 6.10 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.
- 6.11 Similarly, there are increased opportunities to form a strong working relationship with Bidwell Brook, a maintained school which is located next to Robins, Ofsted rated good and part of the Learn to Live Federation. In addition to sharing the same ethos and commitment to promoting inclusion there is a potential for pooling resources and realising greater benefits for children and young people by working in partnership.

7) Financial Considerations

- 7.1 The revenue costs to run Robins in-house in 24/25 are estimated at between £1.9 and £2.1 million. The detailed costings are modelled on two different staffing models and a range of possible occupancy levels.
- 7.2 The cost is net of assumed income from our regional partners in Torbay and Plymouth. Both local authorities have historically used Robins for their children and young people and would like this practice to continue; having confirmed a combined minimum requirement of 545 bed stays per annum.
- 7.3 Health income is estimated based on contributions for the current cohort of children accessing Robins. These have all been recently checked and one individual is currently being funded by health at 10% towards the person's costs with a review pending.
- 7.4 There is an opportunity for improvement through negotiations to bring Robins into alignment with the block funding approach from Health, if there is agreement to continue to run Robins within the specialist homes portfolio. Negotiations will be compromised if Robins remains outside of the in-house portfolio.
- 7.5 The council is negotiating with the current owners of the building to either lease or purchase the property, the details of those negotiations are commercially sensitive.
- 7.6 If Robins closes, the estimated cost of placing children with independent providers is £2.8 million; £0.7 to £0.9 million more than operating Robins in-house.
- 7.7 The table below shows the weekly cost of operating Robins compared to the benchmarked cost provided by our statistical neighbours in Somerset and the cost of placing children in unregistered provision:

		Cost per Bed Night					
		NJC Staffing			NJC and Agency Staffing		
		100% occupancy	90% occupancy	75% occupancy	100% occupancy	90% occupancy	75% occupancy
Robins	£814	£904	£1,085	£898	£998	£1,197	
Benchmarked cost (Somerset)	£1,450	£1,450	£1,450	£1,450	£1,450	£1,450	
Unregistered cost	£2,286	£2,286	£2,286	£2,286	£2,286	£2,286	

- 7.8 If Robins stays open, there should be a saving of approximately £2 million against the budget for independent provider placements. This budget can be repurposed to pay for the on-going revenue costs of operating Robins in-house:

Budget	Current 24/25 Budget		Proposed Budget Transfer to Robins	
	Children	£'000	Children	£'000
Disabled Children's Residential Placements	22	5,192	2	478
Unregistered Placements	5	6,054	1	953
Disabled Children's Short Break Residential Respite	5	525	5	525
				1,956

7.9 There are risks associated with the above approach to setting a revenue budget for Robins:

- An assumption that £1 million will be saved from the unregistered placements budget. Robins is yet to accommodate any children currently placed in unregistered provision and the overall number of children in these high-cost placements is still very high; 15 as at January.
- The entire £0.5 million short breaks residential budget would be re-purposed to pay for Robins, which leaves no budget to pay for independently provided residential respite. However, the lack of specialist overnight residential provision and the reasons why dependency on external solutions would create instability has been explained in this report.

7.10 Whilst the absorption of this budget leaves little room for manoeuvre, not continuing to run Robins would be a higher risk strategy in terms of the cost and quality of alternatives, where they could be sourced.

8) Legal Considerations

8.1 The lawful implications of the proposal have been considered in the preparation of this report.

8.2 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. The effect of the short breaks' duty is that the services provided by every local authority to children in need must include both 'crisis' breaks and breaks designed to ensure that family life can be sustained effectively.

8.3 The failure to provide or commission suitable accommodation for looked after children or a range of respite and 52 weeks care provision for children with disabilities could result in legal challenge, complaints to the local government ombudsman and adverse criticism from Ofsted

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

9.1 There is limited environmental impact from the continuation of this service.

9.2 Residential Support Workers will be predominantly based in the building, reducing travel time.

10) Equality Considerations

10.1 There are no negative impacts from an equalities' perspective anticipated from this proposal. There is no loss of services arising from this development.

10.2 An Equalities Impact Assessment has been completed to support the Cabinet Report.

11) Risk Management Considerations

11.1 This proposal has been assessed and all necessary safeguards or action have been included to safeguard the Council's position.

11.2 The risks associated with establishing a revenue budget for the operation of Robins and associated mitigations, are detailed in Section 7, Financial considerations.

12) Reasons for Recommendations

12.1 The recommendation is for the council to bring the service within its specialist Children's Homes portfolio. The service believes that this would provide the highest level of confidence in the effective delivery of quality and sustainable services which are critical to the fulfilment of the Improvement Plan and meeting our strategic intent and aspirations for children, young people and families in Devon.

12.2 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.

12.3 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, matching and joint funding protocols. 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 costs, the specialist support offered, effective and flexible utilisation of staff, promoting more efficient expenditure and value for money in the long term.

Stuart Collins

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Electoral Divisions: Dartington, Totnes

Cabinet Member for Children's Services and Schools: Councillor Andrew Leadbetter

Local Government Act 1972: List of background papers

Nil

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