

Email:

Your Ref:

Our Ref: FOI IAT 10210

Please ask for: Claire Jacobs

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7 September 2015

Dear Sir,

**FREEDOM OF INFORMATION ACT REQUEST FOI IAT 10210**

Further to previous correspondence, your request for information has now been considered, and the council's response is set out below:

**Q1 Impact assessment for the changes / closure of 1 Ledbury Road**

Please find enclosed a copy of the Short Breaks Phase 2 Equality Impact and Needs Assessment.

Please note that this is a document that is under continuing review as it is part of an active project. It is therefore only up to date as at the time of the last review period.

Where numbers of individuals mentioned in the document are 10 or above, I have released the information. There is one redaction on page 4 of the document. In this case, the number of individuals is less than 10 and so it is possible that individuals could be identified from the data, which would be in breach of the first principle of the Data Protection Act 1998. This figure is therefore exempt under Section 40(2) of the Freedom of Information Act 2000. Please take this letter as a refusal notice for this information.

If you are dissatisfied with the handling of your request or you would like a review of the response provided, further information regarding our review procedure is available in the 'Internal Review Procedure for EIR and FOI requests' which is published on Herefordshire Council's website via the following link:

[www.herefordshire.gov.uk/government-citizens-and-rights/data-protection-and-freedom-of-information/data-protection](http://www.herefordshire.gov.uk/government-citizens-and-rights/data-protection-and-freedom-of-information/data-protection)

Further information is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545 745      [www.ico.org.uk](http://www.ico.org.uk)

Yours faithfully

**CLAIRE JACOBS**

**INFORMATION ACCESS OFFICER**

# Equality Impact and Needs Assessment Form

## A) Description

**Name of service, function, policy (or other) being assessed**

Phase 2 commissioning of overnight short breaks for children with disabilities

**Directorate or organisation responsible (and service, if it is a policy)**

Children's Wellbeing

**Date of assessment**

First assessment: 20 February 2015  
Updated assessment: 20 July 2015  
Updated assessment: 14 August 2015

**Names and/or job titles of people carrying out the assessment**

Re-commissioning of overnight short breaks project group – a joint group for the Council and Clinical Commissioning Group (CCG)

**Accountable person**

Chris Baird, Assistant Director

**What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?**

To redesign Herefordshire's offer of overnight short breaks provision to better meet the needs of children and young people with disabilities and their families

**Location or any other relevant information**

Herefordshire

**List any key policies or procedures to be reviewed as part of this assessment**

- Draft Children & Young People with Disabilities and Special Educational Needs Services Transformation Programme, Herefordshire Council, February 2015
- Herefordshire's Children's integrated needs assessment, Herefordshire Council, December 2014
- Herefordshire Commissioning Prospectus - Funded opportunities to support Disabled Children, Young People and their Families, Herefordshire Council, July 2014
- Short breaks for carers of disabled children Departmental advice for local authorities, DfE, March 2011

### **Who is intended to benefit from the service, function or policy?**

Children with disabilities living in Herefordshire, and their families, who have a social care assessment that determines their needs would be met best by the provision of an overnight short break.

Under the Children and Young Person Act 2008, the Local Authority must offer short breaks as part of a preventative model. The responsibility of the Local Authority to provide short breaks for carers of disabled children came into effect on 1st April 2011 (Breaks for Carers of Disabled Children Regulations 2011). These regulations place a duty on Local Authorities to have regard to the needs of carers who:

- would be unable to continue to care for their disabled child without a short break or would be able to care more effectively if breaks are given,
- to look after other children in the family more effectively,
- to take part in training, education or leisure activities, or
- to carry out day to day tasks in running the household.

### **Who are the stakeholders? What is their interest?**

- The children and families currently in receipt of overnight short breaks via the 'One Ledbury Road' health provision commissioned by the CCG. Support packages may change as a result of refreshed assessments and understanding of individual family needs. These children and families will be interested in proposals for alternative types of overnight provision. Some assessments may show that some families' needs can be met by other (non-overnight) short breaks, and they will be interested in the transition process to a different type of support.
- The children and families currently known to the council's children with disabilities team who may be interested in proposals to redesign and improve Herefordshire's offer of overnight short breaks
- Herefordshire Council is subject to duties under the Children's Act, 1989, to provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays
- Herefordshire Clinical Commissioning Group has responsibility for the commissioning of the main existing overnight provision in Herefordshire, known as 'One Ledbury Road'
- Wye Valley NHS Trust is the provider of One Ledbury Road, which has been operating for many years
- The 'friends of One Ledbury Road' is a voluntary group that provides charitable support to the users of the provision
- Herefordshire Carers Support is the main non-statutory support group for the parents and carers of children with disabilities in Herefordshire
- There are a small number of other providers that may be able to offer alternative types of overnight short breaks that can better meet the assessed needs of children with disabilities. These include in-house council provided services, as well as independent and third sector providers

## **B) Partnerships and Procurement**

If you contract out services or work in partnership with other organisations, Herefordshire Council remains responsible for ensuring that the quality of provision/delivery meets the requirements of the Equality Act 2010, i.e.

- Eliminates unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Fosters good relations between different groups

What information do you give to the partner/contractor in order to ensure that they meet the requirements of the Act? What information do you monitor from the partner/contractor in order to ensure that they meet the requirements of the Act?

Children and families referred for overnight short breaks provision will have undergone a professional social care assessment. The assessment and support plan will identify all relevant equality and diversity information which will be monitored by the children with disabilities team and shared with providers of overnight short breaks as appropriate and with the agreement of the family involved.

Providers commissioned in Phase 2 of Herefordshire's short breaks programme will be required to :

- comply with all relevant statutory regulations and enactments relating to the provision of the service, including The Equality Acts 2006 and 2010 and any regulations or further legislation enacted under them
- effect and maintain policies regarding equality and diversity and adhere to the following expectations:
  - a) be committed to equal opportunities in both employment and service provision
  - b) recognise that some people might suffer discrimination and be disadvantaged for many reasons, including:
    1. Race, ethnic origin and nationality
    2. Religion or belief
    3. Disability
    4. Age
    5. Gender and sexuality
    6. Poverty
  - c) acknowledge the freedom of children, young people and adults of all faiths or none both to hold and to express their beliefs and convictions respectfully and freely, within the limits of the UK law
  - d) never impose or promote any particular faith or belief on, or to, service users or their families/carers
  - e) assist the commissioner to target its resources in order to promote equality of opportunity
  - f) monitor service take-up, complaints received and actions taken
  - g) assess the impact of operational policies and practices to ensure that they do not discriminate inappropriately
  - h) all documentation, including service information, can be made available in other languages including Braille, and in other formats such as video and audio tape according to the needs of the individuals accessing the service
  - i) arrange access to translations and interpreter services should this be required and give special consideration as to how the service will be 'marketed to ensure that people living in remote rural locations will have access to the relevant information

**Are there any concerns at this stage that indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, and outcomes of a scrutiny review. Please describe.**

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The short breaks needs of children are being met. Between 1st August 2014 and 31st July 2015, [REDACTED] children and young people were referred to the children with disabilities resources panel for a short breaks service. All had had an assessment. All but one of the referrals were approved and have received a short breaks service. Only one referral was declined by the panel as the request concerned support beyond age 18, which was picked-up by adult services.

Wider work to analyse the needs of children with disabilities is ongoing to update the council's understanding of the need for short breaks and other services. Any unmet need is considered at the council's resources panel and provision put in place. For example, the council has spot-purchased overnight respite. There is a risk that some families could complain that their assessed needs are not being sufficiently met. This Phase 2 re-commissioning work is intended to help address gaps in provision identified in Herefordshire short breaks programme.

A gap analysis has been completed that identifies a need for specialist short breaks foster care in a family-based setting. Investment in a new service has been agreed and is expected to be operational by January 2016. This service should be made available to families already accessing One Ledbury Road and to those families who are assessed as having needs that would be met by such a service.

As part of the process to review the needs assessments of children and families accessing One Ledbury Road, the council's children with disabilities team has been engaging with families about their individual needs and what their transition to a different type of support package might look like, if needed. Feedback from families in February 2015 was broadly positive. Most families were willing to consider alternative models of overnight respite if they could be assured it would be safe and meet the needs of the child. However, there is a risk of complaints from individual families who would prefer to continue with the One Ledbury Road service that they have been receiving for several years. The children with disabilities team is attempting to mitigate this risk by maintaining ongoing contact with families; involving them in the assessment and planning process, however there are some families who feel that they have not been sufficiently engaged in planning and decision-making. The overnight short breaks project group is also communicating with a wider range of stakeholders as proposals are developed. Any proposed changes to existing individual short breaks packages will be based on a professional assessment that will be considered and agreed by the multiagency CWD Resources Panel. Should the panel decide that short breaks needs of a family cannot be met through Phase 1 or Phase 2 commissioned services, it will have the ability to spot-purchase alternative models of care or offer direct payments to families that wish to make their own arrangements.

## C) Information

### **What information (monitoring or consultation data) have you got and what is it telling you?**

Herefordshire currently does not have one single database recording the needs of children with disabilities. The 2014 Herefordshire children's integrated needs assessment has taken evidence from a range of sources to begin to create a picture of local need. A further piece of work is due to be undertaken to analyse the needs

of the children with disabilities population in Herefordshire to better inform the JSNA (Joint Strategic Needs Analysis) and ChINA (Children's Integrated Needs Analysis).

The Special Educational Needs (SEN) Code of Practice defines SEN as follows:

- A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.
- A child of compulsory school age or a young person has a learning difficulty or disability if he or she: has a significantly greater difficulty in learning than the majority of others of the same age, or has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

National guidance provides definition of a disability under the Equality Act 2010, that is '...a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out normal day to day activities'.

The 2011 census recorded that in Herefordshire:

- 418 children declared they had a long term health problem that limited their daily activity a lot (1% of 0-15 population)
- 617 children reported 'limited a little'(2% of 0-15 population)

ChINA (2014) reported that the highest total number (5,219) of children with special education needs (SEN) was recorded in summer 2011. In summer 2015, the SEN population is estimated at 4,250. Around 85% of these children are adequately supported by the families and schools. The remaining 15% (c.600 children) have needs that require coordinated support from a range of agencies. Over 230 children are known to the council's children with disabilities team.

Children known to the CWD team and their families will have a range of needs, some of which might be appropriately met through an overnight short break provision, however the assessed needs of most families will be met through family support services, direct payments or commissioned daytime short breaks activities. There is anecdotal evidence from local special schools that more children with life-limiting conditions are living longer. It's therefore reasonable to anticipate that the number of families open to the children with disabilities team will increase in future years.

In the New Year of 2015, the Council's Children with Disabilities team worked with the parents of 33 children accessing Ledbury road to assess their requirements for short breaks services. A small number of the cases have since been closed and the CWD Team & CWD Resources Panel are working with a number of families to provide short breaks through:

- 1:1 buddying services
- Specialist child minding
- Direct payments
- Family support

A further fifteen children aged 6-15 years were assessed as requiring a package of overnight short breaks that could be provided through family-based specialist short breaks foster care. Finally, there are ten young people aged 15-18 who require support during their transition adult services, some will transfer to adult services by October 2015.

Ongoing work is looking at the needs and any gaps in service for a wider group of children with more complex needs, which has identified that there are a number of families who are currently unable to access any overnight respite.

A further holistic analysis of the needs of a group of children known to the CWD team is currently under way (summer 2015). The analysis is focussing on a number of children that have been flagged by different agencies since 2014 as being at risk of entering full-time care. Further work is scheduled for later in 2015 to analyse the holistic needs of all children know to the CWD team.

## D) Assessment/Analysis

**Describe your key findings (e.g. Negative, positive or neutral impacts – actual or potential). Also your assessment of risk.**

Strand/community	Impact
Existing users of One Ledbury road	Social care reviews are showing that some of the needs of children and families can be better met via daytime breaks or community-based overnight fostering in most cases
New cases requiring overnight respite	One Ledbury Road does not meet needs most effectively for a number of children and there is limited availability of alternative local overnight provision.
Re-commissioning project	The re-commissioning project is intended to address the inequalities identified, but will take time to achieve
Needs analysis	A broader needs analysis covering children with disabilities is to ensure that Herefordshire's short-breaks offer remains sufficient in the long-term

## E) Consultation

**Did you carry out any consultation?**

YES  NO

**Who was consulted?**

A range of consultation and engagement activities has been undertaken since 2010 (see table below). There is ongoing engagement with the current users of One Ledbury Road as part of their individualised assessment of need and support planning.

Parents and carers of children with disabilities were involved in Phase 1 of Herefordshire's short breaks commissioning programme, including designing the outcomes that they wanted Herefordshire's short breaks offer to achieve, which were that:

1. Children and young people are
  - able to achieve personal goals and learn new skills
  - able to spend time with their friends and make new ones
  - able to take part in exciting activities that interest them
  - supported to maximise their independence and feel more confident



## 2. Parent carers

- feel less stressed and have some time for themselves including time during the day/overnight when they can be 'off duty' and relaxed knowing their child is in safe hands
- are able to spend time with their other children or together as a family
- can get to know other families who share similar experiences
- are confident that their child is having fun, with skilled carers who understand his or her needs

<b>Timeline</b>	<b>Consultation / engagement activity</b>	<b>Format and content of consultation / communication</b>
2010	Review of Services for Children and Young People with Disabilities	Questionnaires, online discussion forums, Parent Carer Voice, individual interviews Diary entries from children Seeking views on their situations, issues
2012 - 2013	Short breaks commissioning prospectus	Workshops, focus groups, letters arranged with Special Schools, Special units within mainstream schools, Herefordshire Parent Carer Voice, Parents at Ledbury Road – seeking views on what outcomes they wanted for their children and themselves, and what sort of services or activities they wanted.  FAQs were provided on parents questions about the draft commissioning prospectus regarding new services including Led Rd future (approx. March 2013)  Parents tender evaluation panel (Autumn 2013)  Letter and meetings to parents to explain the results of the tender and next steps (Nov/Dec 2013)
2014	Evaluation of daytime short breaks services received by parents and children	Part of contract monitoring arrangements to assess satisfaction with services (see appendix 1)
Late 2014/ 2015	Social care core assessments for individual families at Ledbury Road	Families would have been involved in the assessment and identifying the needs of the children. Anonymised comments from parents are attached below –appendix 2
Jan 2015	Letter from Council to parents at Ledbury Road	Confirmed CCG and Council intentions to develop new services with 18 month timeline of changes ie to July 2016 as per project plan at that time. Identified that assessment work had shown foster care, respite and buddying services were the main requirements.
April 2015	Joint letter from WVT and Council to parents at Ledbury Road	Highlighted ongoing redesign work of CCG / Council, and likely fall in numbers using Ledbury Road so letter was providing details of changes to service availability (closure on a Sunday night) and seeking views of parents. WVT haven't given details of responses they received.
July –	Finalising social care	Parent engagement meetings are planned for

October 2015 planned activity	assessments and conversion plans with individual families using Ledbury Road	August & September for those groups of children assessed as either requiring or not requiring overnight respite care
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**Describe other research, studies or information used to assist with the assessment and your key findings**

Population-level analysis of the children known to the council's children with disabilities team is being developed and will help to maintain and review this equality impact assessment over the period of the re-commissioning project to March 2016.

**Do you use diversity monitoring categories? Yes  No**

*(if No you should use this as an action as we are required by law to monitor diversity categories)*

**If yes, which categories?**

- Race
- Sex
- Sexual Orientation
- Religion & Belief
- Disability
- Age
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity

**What do you do with the diversity monitoring data you gather? Is this information published? And if so, where?**

Diversity monitoring data is stored on the child's record on the council's Frameworki system.

**F) Conclusions**

	<b>Action/objective/target OR Justification</b>	<b>Resources required</b>	<b>Timescale</b>	<b>I/R/S/J</b>
a)	Complete gap analysis of One Ledbury Road current users	Children with disabilities team assessments	06 March 2015	R&S
b)	Understand short breaks needs of all other cases known to the children with disabilities team	Children with disabilities team assessments	TBC	R&S

**(I)** Taking immediate effect.

**(R)** Recommended to council/directors through a committee or other report\*.

**(S)** Added to the service plan.

**(J)** To be brought to the attention of the Herefordshire Equality & Human Rights Group.

\*Summarise your findings in the report. Make the full assessment available for further information.

NB: Make sure your final document is suitable for publishing in the public domain.