

Name of meeting: Cabinet

Date: 22nd August 2017

Title of report: Consultation about services for children and families, including people with disabilities.

Purpose of report: To seek Cabinet approval to carry out public consultation and engagement about proposed changes to services that support children and their families:

- In the Early Years for children with Special Educational Needs and Disabilities
- To access short breaks for Carers of Disabled Children
- Social care funded transport for disabled children, young people, working age adults and older people to access services within their community
- Home to School Transport for compulsory school-aged children (5-16 years)

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes Saving of £250k or more, potential to have a significant effect on two or more electoral wards
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	Yes
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director & name	Richard Parry – Strategic Director – Adults & Health Steve Walker – Director for Children's Services
Is it also signed off by the Service Director for Financial Management, IT, Risk and Performance?	Yes – Debbie Hogg – 10 th August 2017
Is it also signed off by the Service Director – Legal, Governance and Commissioning?	Yes – Julie Muscroft - 11 th August 2017
Cabinet member portfolio	Cllr Viv Kendrick Cllr Cathy Scott Cllr Erin Hill Cllr Masood Ahmed

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

1. Summary

A key council priority is to support people who have to rely more than most, on targeted and specialist services to enable them to make the changes in their lives to become more independent.

The aim is to ensure that every child has the best possible start in life and that individuals and families have the same opportunities, life chances and potential to lead safe, healthy, happy and fulfilled lives.

In 2016, following consultation with stakeholders, the way in which the Council works to support people with a disability was realigned to form an All Age Disability Service with the intention to create a more coordinated and cohesive offer for people with disabilities and their families.

An overarching policy framework for All Age Disability has been developed and is available [on the Council's website](#) and in Appendix D.

This framework sets out the principles that the Council will work to when working with disabled people and, in line with the Council's wider vision, explains that the All Age Disability Service will:

- Adopt a whole family and a life-long approach
- Value the capacity and strengths of people with a disability
- Work with people with a disability and their families to reshape disability support
- Provide the best start in life and focus on early intervention to promote greater independence and prevent family breakdown
- Improve the experience of people with disabilities as they transition into adulthood
- Work in local areas and build strong relationships with people to meet their needs and manage risk
- Make all our processes personalised, flexible, transparent and cost effective
- Work more closely with our partners, and integrate commissioning where it makes sense.
- Promote equal access to community opportunities and the whole range of universal services.

There are opportunities to change the way Kirklees Council delivers its services by applying the principles of the All Age Disability Framework in new ways. The feedback from a consultation will inform the proposals which will be put forward for your consideration at a later date. The aim of these proposals will be to deliver services as effectively and efficiently as possible for the benefit of service-users and the wider Kirklees public. Cabinet are asked to approve a consultation and engagement programme relating to:

- Support in the Early Years for Children with Special Educational Needs and Disabilities
- The policy and approach for Home to School Transport for compulsory school aged children (5-16 years)¹

¹ It should be noted that whilst Home to School Transport does not fall under the scope of the All Age Disability Policy Framework, there are correlations between the proposed change to that policy and those that do fall under All Age Disability, and it is important the full range of proposed changes are able to be considered holistically.

- The policy and approach for social care funded transport for disabled children, young people, working age adults and older people to access services within their community

Approval is also sought from Cabinet members to include questions on Short Breaks in the same Consultation for convenience and efficiency. This would otherwise be conducted as a separate consultation in parallel to fulfil the Council's statutory obligation to consult on Short Breaks annually.

Any future proposals to changes in approach and policy would align with the All Age Disability policy framework, and would support the Council to deliver services in the most effective and equitable way, for its citizens, customers and communities having regard to the Kirklees Outcomes where;

- Children have the best start in life
- People in Kirklees live independently and have control over their lives

The services in the proposed consultation have been identified in the Council's Medium Term Financial Plan (MTFP) as requiring reviews of their current offers so they can meet needs more efficiently.

To develop and deliver in line with the vision for All Age Disability, strengthen the policy framework and achieve financial savings, approval is being sought from Cabinet members to run simultaneous consultation exercises on the four areas of service outlined above to ensure that people are able to understand and comment on the services they receive, so that their feedback will inform the proposed changes which will be submitted for Cabinet approval at a later date.

2. Information required to take a decision

The Council is considering changes to three areas:

- The Support provided to children with Special Educational Needs and Disabilities in their Early Years. Any future proposal to change what services are delivered, to whom and how, will be informed by the feedback the Council receives. This could include reducing the Access funding provided in line with the hours of national free entitlement to childcare
- Home to School Transport for compulsory school-aged children (5-16 years) – the Council is considering changing its policy and approach, including the potential for transport arrangements to be provided in line with its statutory duty
- Social care funded transport for disabled children, young people, working-age adults and older people, to support them in accessing services within their communities. The Council is considering developing a new approach and policy

In addition, the Council has a statutory duty to conduct annual reviews of its Short Breaks offer to ensure it meets the needs of Kirklees' eligible service-users. The previous review involved a Consultation on Short Breaks which was conducted in September and October 2016. Work to refine the Short Breaks offer is currently underway, based on the feedback received in last year's Consultation, so further consultation to make these changes is not required.

Although the Council has consulted, approval is sought from Cabinet members to include some further questions on Short Breaks in the same Consultation as Social Care Transport and the provision for children with Special Educational Needs and Disabilities in their Early Years. This is

proposed because it will be more efficient for the public and the Council to use consolidated rather than separate questionnaires; the individuals who would want to share their views on Short Breaks will often be the same people as those who would want to share their views on Social Care Transport and the support provided to children with Special Educational Needs and Disabilities in their Early Years. Including the Short Breaks questions in this questionnaire, rather than consulting separately is likely to:

- Improve overall response rates
- To ensure that people are able to understand and comment on any wider changes
- Reduce the administrative burden on the public (posting, and filling in the About You section)
- Reduce the administrative burden on the Council (printing, posting, promoting and collating responses)

Further information about each of these areas is outlined below.

2.1. Support in the Early Years for children with Special Educational Needs and Disabilities

This relates to access to childcare and learning support for 0-4 year olds with special educational needs or disabilities, and for school-age children with special educational needs or disabilities in out-of-school childcare.

The element of this service which we are considering changing is the Access Fund. This is a fund which provides financial support to Childcare providers such as nurseries, playgroups and childminders to help them meet the needs of a child with Special Educational Needs and Disabilities.

What must the Council do to fulfil its legal requirement?

Current national childcare eligibility is 15 hours per week of free early education and childcare for all children aged 3 and 4 years, plus eligible² 2-year olds. At present, some parents take up their free 15 hours and pay for additional hours themselves. From September 2017, working parents will see an increased entitlement to access 30 hours of free early education and childcare.

Families will be eligible for the extra 15 hours where:

- Both parents are working (or the sole parent is working in a lone parent family)
- Each parent earns, on average, a weekly minimum equivalent to 16 hours at minimum or living wage
- Each parent earns less than £100,000 per year

The Children and Families Act 2014 requires local authorities to remove barriers that prevent children accessing early education. To meet this requirement currently, the Council funds, where necessary, additional support for all the hours a child attends the setting, including both free entitlement and paid-for hours from the Kirklees Access Fund. This meets the statutory requirement for SEN inclusion fund in the Kirklees Early Years Funding Formula.

A number of other local authorities interpret the requirements of the Children and Families Act 2014 differently, meaning that their equivalent of the Access Fund only supports children during the hours of free entitlement.

² Eligible 2 Year olds refers to the government's definition of "vulnerable" see Appendix B for this definition.

Other relevant legislation

The Early Years National Funding Formula Operational Guide (2016)

This states:

58. Local authorities must consult with early years providers, parents and SEN specialists on how the SEN inclusion fund will be allocated, as part of the preparation and review of their 'Local Offer'.

59. Under this 'Local Offer', local authorities must publish details on how they are using their SEN inclusion fund to support their early years SEN cohort. These details must include the eligibility criteria for the fund, the planned value of the fund at the start of the year, and the process for allocating the fund to providers.

Children & Families Act 2014 Part 3 Code of Practice SEND 2014:

This states:

5.8 Local authorities must ensure that all providers they fund in the maintained, private, voluntary and independent sectors are aware of the requirement on them to have regard to the SEN Code of Practice and to meet the needs of children with SEN and disabilities. When securing funded early education for two, three and four year olds local authorities should promote equality and inclusion for children with disabilities or SEN. This includes removing barriers that prevent children accessing early education and working with parents to give each child support to fulfil their potential.

5.9 Where assessment indicates that support from specialist services is required, it is important that children receive it as quickly as possible. Joint commissioning arrangements should seek to ensure that there are sufficient services to meet the likely need in an area (Chapter 3, Working together across Education, Health and Care for joint outcomes). The Local Offer should set out clearly what support is available from different services, including early years and how it can be accessed;

5.13 Some children need support for SEN and disabilities at home or in formal settings before, as well as, the support they receive from an early years provider. Provision for children who need such support should form part of the local joint commissioning arrangements and be included in the local offer.

5.55 To fulfil their role in identifying and planning for the needs of children with SEN, local authorities should ensure that there is sufficient expertise and experience amongst local early years providers to support children with SEN. Local authorities often make use of Area SENCOs to provide advice and guidance to early years providers on the development of inclusive early learning environments. The Area SENCO helps make the links between education, health and social care to facilitate appropriate early provision for children with SEN and their transition to compulsory schooling.

In Kirklees, Early Years Special Educational Needs practitioners fulfil the role of 'Area SENCO'.

The Childcare Act 2006, Section 6

Local authorities are required to make sure there is enough childcare in their area for parents who wish to work or study in relation to work. Local authorities must take into account parents needs for 'the provision of childcare which is suitable for disabled children' and this applies up to the age of 18.

Children Act 1989, Section 18

Local authorities must ensure provision is in place for children 'in need' who are aged 5 or under and aren't going to school yet, this includes children with SEND.

Early Education and Childcare Statutory Guidance for Local Authorities 2014³

The local authority is required to secure the sufficiency of provision for disadvantaged 2 year olds given evidence that high quality early education at aged 2 for vulnerable children brings benefits to learning and development and has lasting benefits. The local authority has a duty to secure sufficient childcare for working parents of children with SEND, and all providers should be inclusive.

Why are we requesting approval to consult about support in the Early Years for children with Special Educational Needs and Disabilities?

The support in the Early Years for Children with Special Educational Needs and Disabilities has often focused on the support provided by particular services rather than what children and their families need in the round. As a consequence, some families might not receive support that would best work for them or duplication may arise. In addition, expenditure on support is greater than the available budget.

As part of this offer, the Council are considering changes to the Access fund so that its support would only be provided for the hours of national free entitlement to early education and childcare, in line with many other local authorities.

The feedback we receive in this consultation will inform any future Council proposal.

Benefits

- Ability to maintain a focus on eligible children and families
- A more flexible or creative approach is taken
- Spend in this area is contained

Key risks, issues and mitigation

- There is potential for the Council to change its offer so that funding from the Access Fund will not be made available to settings for children aged 0-1, and 2-year-olds who do not meet the government's definition of vulnerable. Cabinet members will be asked to approve a future proposal to change the service, before any changes are made to it
- A different approach to where and how support is provided may result in better use of resources, reduction in duplication, greater concentration of skilled support and better critical mass
- A future proposal may recommend that settings' entitlement to support should be capped in line with the national entitlement to free childcare
- Regardless of whether the service is changed, childcare settings will still be required to be inclusive under government legislation, including the Equalities Act 2010⁴

³ This is being replaced by the Early Education and Childcare Statutory Guidance for Local Authorities March 2017 which comes into effect on 1st September 2017

⁴ *All childcare providers are expected under the Equality Act 2010 (which replaces the Disability Discrimination Act 1995) to make 'reasonable adjustments' to meet the needs of disabled children. They must not treat disabled children 'less favourably' than someone else for a reason related to their disability.*

- Following the consultation, the outcomes would be reported back to Kirklees Council Cabinet with the feedback informing a proposed way forward.

2.2. Home to School Transport for compulsory school-aged children and young people

There are circumstances when children and young people are able to qualify for support for getting to school. If they are eligible, the offer may be free to the service user in some circumstances.

Kirklees Council's current Home to School Transport policy can be found on the Kirklees website, <https://www.kirklees.gov.uk/beta/schools/pdf/home-to-school-transport.pdf>

What must the Council do to fulfil its legal requirement?

The Education Act 1996 places clear legal duties on the Council in respect of a child's eligibility for free travel arrangements to and from school.

Legislation sets out four possible circumstances in which children of compulsory school age (5-16) in an authority's area can be eligible for free travel arrangements:

1. Walking distances
2. Special Educational Needs, a disability or mobility problems
3. Unsafe walking routes
4. Extended rights

The Council may choose to discharge their duty to provide free school transport in a variety of ways to meet the whole family's needs, e.g. a mileage allowance, independent travel training or transport pooling.

More information and detail on the statutory eligibility, including specific criteria for eligibility in each circumstance, can be found at <https://www.gov.uk/free-school-transport>.

Why are we requesting approval to consult on Home to School Transport?

Kirklees Council currently provides discretionary home to school transport to some children that are not eligible under the eligibility criteria at 1-4 above. This costs the Council much more than the current budget it has available and the council spent more than the budget allowed in the 2016/17 financial year.

The purpose of the proposed consultation on its home to school transport policy is to determine the response to the Council returning to a provision based on only providing transport arrangements in line with its statutory duty.

Any changes to the Home-to-School Transport policy proposed following the Consultation could be phased in over a number of years, depending on factors including impact, the age of the child and their natural transition point. Cabinet approval will be sought for any proposals to change the policy following Consultation.

Examples of children who would no longer receive free transport

Children who have received free transport support because of a medical condition or disability, would no longer receive it if their condition or development has improved sufficiently so that they are now able to walk to school.

For those children who currently receive free school transport and may no longer be eligible under the new policy, we will look to understand the wider circumstances of their family and what support could be made available.

Benefits

- The Council will have a clear, transparent, fair and legally compliant offer
- It will bring Kirklees Council's policy in line with many neighbouring authorities
- Parents / carers will have a clear understanding of the longer term transport offer which will help them to choose the right school for their child.
- Understanding of the true volume options available will take the whole family's needs into consideration

Key risks, issues and mitigation

- Proposals to reduce this service are likely to impact on some parents and carers
- Some parents may need to consider the new transport policy when deciding which school to send their children to
- Transitional arrangements will be put in place to support families through any changes, for example independent travel training
- A strong communications strategy would be adopted throughout so that parents and carers are fully informed of decisions that may potentially affect them in advance, e.g. school transition points
- Independent travel could be used for those transitioning out of eligibility

2.3. Social Care funded transport for disabled children, young people, working age adults and older people

Kirklees Council is developing modern, flexible approaches to social care that will support individuals and their carers to be as independent as possible, enabling them to lead fulfilling lives. This includes seeking to ensure that as many people as possible live and travel independently and safely within their own communities.

Kirklees Council currently supports a significant number of disabled children and young people, as well as adults and older people with their transport/travel arrangements to access services within their community as well as enabling them to access services that have been identified as meeting an assessed need under the [Care Act 2014](#) or the [Children and Families Act 2014](#). This includes services such as short breaks, respite provision and day opportunities.

What must the Council do to fulfil its legal requirement?

Kirklees Council has a duty to meet assessed need for disabled children, young people, adults and older people. The Council does not have a specific statutory duty to provide social care transport. The Council has a duty to ensure that arrangements are in place to enable people to access services. The Council may choose to discharge this duty in a variety of ways including a mileage allowance, independent travel training or transport pooling.

The Council does not currently have a sufficiently clear social care transport policy that provides an approach to transport in a way that is consistent with the Council's strategic aims and outcomes; some existing arrangements are inefficient and do not promote independence.

Why are we requesting approval to consult on the provision of social care funded transport?

The Council is looking to develop a Social Care Transport policy that is transparent, equitable and enables more personalised provision of transport support. This will enable the Council to deliver its transport arrangement support within the finances available. The feedback received from the proposed Consultation, including what is and isn't valuable to our service-users, will be used to inform the development of this policy.

As part of the Consultation, Kirklees Council would like to seek users and their carers view on whether welfare benefits and similar (e.g. access to a vehicle, discounted travel concessions) that an individual is entitled to, and that relates to their disability are taken into account when assessing how best to support access to services and the transport required. A number of other local authorities use this principle in their social care transport policies and Kirklees Council is keen to understand the impact of this approach before deciding whether to propose it to Cabinet at a later date.

Benefits

- The Council will have a sufficiently clear, transparent, fair and legally compliant offer that actively encourages and promotes independence wherever possible
- The transport offer will meet the needs of a growing population of disabled children, working-age adults and older people in a more equitable way, while reducing duplication of services and providing support more efficiently

Key risks, issues and mitigation

- If, following the Consultation, the Council decides to propose a new policy, then that policy could involve ceasing or reducing some of the transport support we provide. Cabinet approval will be sought for a new proposed policy
- If a new policy is proposed, approved and adopted, the Council will need to ensure that all individuals have their needs reviewed in line with the new policy, before any services are changed or reduced
- In the future, the Council plans to work more holistically with families to support them around family life, caring for children and family members, while taking assets into account when meeting needs

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

- All of the areas outlined as part of this consultation proposal impact on Early Intervention and Prevention. Key risks and issues have been outlined in each section above
- Any future proposals for changes in approach and policy for Social Care Transport, Home to School Transport, and the support made available from the Access Fund, would aim to give

people the right support at the right time, whilst making the best use of resources and preventing the need for expensive care and unnecessary support in the future

3.2 Economic Resilience (ER)

- Kirklees Council would work with families to ensure that parents and carers are supported to remain in work
- Maintaining independence for children would support future employment and increase opportunities
- There are opportunities to shape the independent sector market and improve the capacity of the community to provide support

3.3 Improving outcomes for children

- Any future proposals for changes in approach and policy for Social Care Transport, Home to School Transport, and the support made available from the Access Fund, would aim to deliver a transparent, equitable and consistent offer, within available resources and legislative requirements
- Future proposals would aim to encourage support that promotes independence
- The Council will continue to support the most vulnerable children and their families

3.4 Meeting needs more efficiently

- Any future proposals for changes in approach and policy for Social Care Transport, Home to School Transport, and the support made available from the Access Fund, would aim to meet needs more efficiently, including in innovative ways which consider the whole family

3.5 Equalities implications

- The Public Sector Equality Duty (PSED) means that the Council must have due regard to the need to “eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; foster good relations between people who share a relevant protected characteristic and those who do not share it.”
- The protected characteristics covered by the PSED are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership (only in respect of eliminating unlawful discrimination).
- The Council has therefore carried out an Equality Impact Assessment (EIA) to help it take due regard of its public sector equality duties, and to support Cabinet’s decision whether or not to proceed to consultation in September 2017 (see Appendix C).
- The EIA takes into account a number of previous consultations and other sources of data and intelligence.
- The EIA will be updated after the consultation. This revised EIA will support Cabinet’s decision on any changes to the services.
- Key findings of the EIA to date:

- There is the potential for a negative impact on residents with certain protected characteristics. The consultation will help us to find out more about the impact on these residents.
- It is possible that the proposals may have a negative impact on staff with certain protected characteristics (for example, the workforce in some areas is predominantly female). The public consultation is unlikely to help us to understand the impact on staff. However, full consultation will take place in due course with any staff whose jobs are affected by the changes.

3.6 Financial implications

- The proposed consultation exercise directly relates to expected savings in the Medium Term Financial Plan. The feedback received will help inform the development of proposals to changes in approaches and policies, which may reduce budget overspends by meeting needs more efficiently

3.7 Legal Implications

The report makes reference to the various statutory duties and/or powers the Council has to carry out, current activities and/or support vulnerable adults and children. The consultation envisaged here encompass a number of different things but which overlap because they serve a number of individuals/families and it therefore is important they are done together to give the Council a wider perspective in order to make important decisions about the way it supports children and vulnerable adults in future.

In making decisions about other changes it is also obliged to take account of:

- Any statutory duties to consult in relevant legislation;
- The Public Sector Equality duty in section 149 Equalities Act 2010;
- Common Law duty where fairness requires consultation, and in particular where a legitimate expectation has been established (eg by the making of promise or past practice) and/or
- Duty to consult (section 3 Local Government Act 1999) (as appropriate)

An earlier part of section 4 (implications for the Council) of this report considers the PSED and it's relationship to the EIA

The consultations proposed in this report have been prepared with these obligations in mind. It is necessary for the Council to carry out the consultations and have due regard to the outcomes/results of the consultation in order to make any future decisions in relation to changes to the way that it carries out services in the areas covered by the consultations.

4. Consultees and their opinions

It is proposed that a 7 week consultation exercise will be undertaken to understand the public's views on the existing service provision. The responses received will be reported to members, and used to inform forthcoming proposals on changes to the Council's approaches and policies in the relevant areas in December 2017.

The Council will use a wide range of consultation methods including an online survey which can easily be completed on computer, tablet or smartphone. The survey will also be available in Easy

Read format, and paper copies will be available on request for anyone unable to complete the online survey.

The survey will be widely publicised including in local press and social media. There will be two public drop-in information sessions (in north and south Kirklees venues). Local voluntary sector partners will help us to engage directly with groups such as parents and carers of children and adults with disabilities. The Kirklees Youth Councillors will help us to capture the voice of the child.

A detailed communications plan is being developed. See appendix E.

5. Next steps

Subject to decisions made by Cabinet, the indicative timeline for the next stages of the statutory processes are set out below;

Activity	Dates * These dates are indicative and may change; they are also subject to Cabinet approval
Cabinet Report seeking permission to begin consultation	22 August 2017
*7 week consultation exercise	4 th September - 22 nd October 2017
*Cabinet report detailing the findings of the consultation, with proposals for changes to the approaches and policies of the related areas.	19 December 2017

6. Officer recommendations and reasons

That Members agree having had due regard to the information contained in this report including the content of the EIA's:

- to commence the consultations as set out in this report.
- delegate authority to Service Directors, Early Help & Learning, Integration, Commercial, Regulatory and Operational Services in consultation with Portfolio Holders to finalise the detail of the consultations and the time line of the consultations and
- note that the outcome of the consultation will be shared with Cabinet in due course in order to inform any further decisions made in relation to changes to the services.

7. Cabinet portfolio holder recommendation

Cabinet Portfolio Holders note the report and are content for this to proceed to Cabinet for permission to consult

8. Contact officer

Sue Richards
Jo-Anne Sanders
Joanne Bartholomew

9. Background Papers and History of Decisions

<http://www.kirklees.gov.uk/beta/special-education/pdf/eligibility-criteria-social-care-services-disabled-children.pdf>

10. Service Director responsible

Sue Richards

Jo-Anne Sanders

Joanne Bartholomew

Appendix A

Further information about the service can be found on the Local Offer;

<http://www.kirklees.gov.uk/beta/special-education/early-years-special-education.aspx>

Access Fund

Local authorities must ensure that all providers delivering funded early education places meet the needs of children with SEN and disabled children (SEN Code of practice). In order to do this Kirklees Council makes sure that funding arrangements for early education reflect the need to provide suitable support for these children. Early years providers consider how best to use their resources to support the progress of children with SEN.

Service Activity Information (Sept 2016- July 2017);

Access Fund- 229 requests in 2016 /17. To date for 2017/18 is 191.

Appendix B

Government definition of eligible 2 year olds

Families can get free early education and childcare for 2 year-olds if they are in receipt of one of the following:

- Income Support
- income-based Jobseeker's Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- Universal Credit
- tax credits and you have an annual income of under £16,190 before tax
- the guaranteed element of State Pension Credit
- support through part 6 of the Immigration and Asylum Act
- the Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit)

A child can also get free early education and childcare if any of the following apply:

- they're looked after by a local council
- they have a current statement of [special education needs \(SEN\)](#) or an education, health and care (EHC) plan
- they get [Disability Living Allowance](#)
- they've left care under a special guardianship order, child arrangements order or adoption order

Appendix C(i) – EIA Screening Tool

A guide to equality Impact Assessments (EIAs)
What are Equality Impact Assessments (EIAs)?
<ul style="list-style-type: none">· EIAs are a tool to help you analyse and make more considered decisions about changes to service delivery, policy and practice. An EIA will help you to identify how specific communities of interest may be affected by decisions and to consider any potential discriminatory impact on people with protected characteristics .
<ul style="list-style-type: none">· EIAs can also help to improve or promote equality by encouraging you to identify ways to remove barriers and improve participation for people with a protected characteristic.
Why do we need to do Equality Impact Assessments (EIAs)?
<ul style="list-style-type: none">· Although not a mandatory requirement, EIAs provide important evidence of how we have considered the implications of service and policy changes and demonstrate how we have met our legal Public Sector Equality Duty (Equality Act 2010).
<ul style="list-style-type: none">· The three main elements of the Public Sector Equality Duty are:
<ul style="list-style-type: none">ü Eliminating discrimination
<ul style="list-style-type: none">ü Promoting equality of opportunity
<ul style="list-style-type: none">ü Fostering good relations
<ul style="list-style-type: none">· In fulfilling our Public Sector Equality Duty we must ensure that we demonstrate that we have followed a number of key principles (based on previous case law):
<ul style="list-style-type: none">ü Knowledge
<ul style="list-style-type: none">ü Timeliness
<ul style="list-style-type: none">ü Real consideration
<ul style="list-style-type: none">ü Sufficient information
<ul style="list-style-type: none">ü No delegation
<ul style="list-style-type: none">ü Review
<ul style="list-style-type: none">ü Proper record keeping
<ul style="list-style-type: none">· We need to provide evidence that we have given due regard to any potential discriminatory impact on people with protected characteristics in shaping policy, in delivering and making changes to services, and in relation to our own employees.
<ul style="list-style-type: none">· We must always consider whether a service change, decision or policy could have a discriminatory impact on people with protected characteristics, not just any impact that is the same as it would be for everyone else.
<ul style="list-style-type: none">· The EIA tool allows us to capture, demonstrate and publish our rationale of how we have considered our communities and legal responsibilities under the Public Sector Equality Duty and is our main way of providing the evidence needed.
<ul style="list-style-type: none">· But above all, EIAs are about understanding and meeting the needs of local people and supporting us to deliver our vision for Kirklees.
When do we need to do Equality Impact Assessments (EIAs)?
<ul style="list-style-type: none">· Whenever you plan to change, introduce or remove a service, activity or policy.

· At the VERY BEGINNING of any process of:
ü Budget setting
ü Service review (including changes to employment practice)
ü Planning new projects and work programmes
ü Policy development and review
ü Procurement or commissioning activity
Who should do it?
· Overall responsibility for EIAs lies at a service level. A lead officer should be appointed from the service area that is making a proposal and all decisions should be approved by the senior management team in that service.
· Those directly affected (partners, stakeholders, voluntary groups, communities, equality groups etc) should be engaged with as part of the process.
How should we do it?
· Our EIA process has two stages:
Stage 1 - initial screening assessment
Stage 2 - further assessment and evidence

EIA STAGE 1 – SCREENING TOOL (initial assessment)			
The purpose of this screening tool is to help you consider the potential impact of your proposal at an early stage.			
Please give details of your service/lead officer then complete sections 1-3:			
1) What is your proposal?			
2) What level of impact do you think your proposal will have?			
3) How are you using advice and evidence/intelligence to help you?			
You will then receive your stage 1 assessment score and advice on what to do what next.			
Directorate:	Senior Officer responsible for policy/service:		
N/a	Sue Richards, Service Director – Integration Jo-Anne Sanders, Service Director – Learning and Early Support Joanne Bartholomew, Service Director - Commercial, Regulatory & Operational Services		
Service:	Lead Officer responsible for EIA:		
All Age Disability	Michelle Cross, Head of Service - All Age Disability and Mental Health		
Specific Service Area/Policy:	Date of EIA (Stage 1):		

Early Years SEN- Access fund Social Care Transport Policy Home-School Transport Short Breaks for children with a disability	07-Jun-17									

Go back

**Move to next
section**

1) WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	YES
To remove a service, activity or policy (i.e. stop doing something)	YES
To reduce a service or activity (i.e. do less of something)	YES
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	YES
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	YES
Please briefly outline your proposal and the overall aims/purpose of making this change:	
<p>This EIA relates to four service areas which we are planning to make changes to, subject to a public consultation in autumn 2017. These are:</p> <ul style="list-style-type: none"> • Early Years SEN – Access Fund • Social Care Transport Policy • Home-School Transport 	

2) WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact
Kirklees employees within this service/directorate? (overall)		Please select from drop down
Kirklees residents living in a specific ward/local area?		Neutral
Please tell us which area/ward will be affected:		
Residents across Kirklees? (i.e. most/all local people)		Neutral
Existing service users ?		Negative
Each of the following protected characteristic groups ?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Negative
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Negative
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral

	...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
		What impact is there on Kirklees residents /external service delivery?	Neutral
	...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
		What impact is there on Kirklees residents /external service delivery?	Neutral
	...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
		What impact is there on Kirklees residents /external service delivery?	Neutral
		Go back	Move to next section

3) HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?		Please select YES or NO
Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?		YES
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	...employees?	YES
	...Kirklees residents?	YES
	...service users?	YES
	...any protected characteristic groups?	YES

Please list your evidence/intelligence here [you can include hyperlinks to files/research/websites]:

Kirklees Joint Strategic Assessment (KJSA) <http://observatory.kirklees.gov.uk/jsna>

Department of Education - Parents' View and Demand for 30 Hours Childcare
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/586231/Parents_views_and_demand_for_30_hour_s_free_childcare_-_RR611.pdf

Kirklees Childcare Sufficiency Assessment 2016:
<http://www.kirklees.gov.uk/beta/working-with-children/childcare-sufficiency.aspx>

Kirklees Short Breaks Survey 2016:
<https://www.kirklees.gov.uk/involve/entry.aspx?id=852>

All Age Disability Survey 2015:
<http://healthwatchkirklees.co.uk/wp-content/uploads/2015/07/FINAL-report-AADS-2.pdf>

Day to day experiences of young people with SEND 2016:
<https://kirkleesyc.org.uk/wp-content/uploads/2016/11/My-Journey-day-to-day-experiences-of-yp-with-SEND.pdf>

Kirklees Schools Survey 2014:
<https://www.kirklees.gov.uk/involve/entry.aspx?id=749>

Early Help Engagement 2016:
<https://www.kirklees.gov.uk/involve/entry.aspx?id=842>

Early Years Funding - Provider Consultation on the Kirklees Local Formula 2016 (not published)

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the different groups of people outlined in section 2?	TO SOME EXTENT
To what extent do you feel you have considered your Public Sector Equality Duty?	TO SOME EXTENT
	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Go back</div> <div style="border: 1px solid black; padding: 5px; background-color: #d3d3d3;">Move to next section</div> </div>

STAGE 1 ASSESSMENT	
IMPACT	RISK
Based on scoring of	Based on scoring of

1) and 2)	2) and 3)
-9	7
SCORE (calculated)	SCORE (calculated)
Max = - / + 32	Max risk = - / + 40
You need to move on to complete a Stage 2 assessment if:	
The final Impact score is negative <u>and or</u> the Risk score is negative.	
	<div style="border: 1px solid black; background-color: #c0c0c0; padding: 5px; display: inline-block;">Go back</div>

EIA STAGE 2 – FURTHER ASSESSMENT AND ACTION PLAN

- ✓ The purpose of this further assessment is to help you consider how you will:
 - avoid, reduce or minimise negative impact
 - promote equality of opportunity
 - foster good relations between people who share a protected characteristic and those who do not

for proposals/activities that have been assessed as potentially having a negative impact on communities/protected characteristic groups.

- ✓ Considering what you will do to help address the above is your responsibility as a service and the Stage 2 EIA will help you to think this through. If you need expert advice (e.g. from Legal or HR) then this is available, but this process is ultimately about empowering you as a service to better understand and meet the needs of local people.
- ✓ Please provide the reference to your stage 1 assessment, to then complete sections
 - A) Further evidence and consultation with key stakeholders
 - B) Action planning
 - C) Publishing your EIA

Directorate:	Senior officer responsible for service/policy:
N/a	Sue Richards, Service Director – Integration Jo-Anne Sanders, Service Director – Learning and Early Support Joanne Bartholomew, Service Director - Commercial, Regulatory & Operational Services
Service:	Lead officer responsible for this EIA:
Various	Michelle Cross, Head of Service - All Age Disability and Mental Health
Specific service area/policy:	Date of EIA (Stage 1):
Early Years SEN- Access fund Social Care Transport Policy Home-School Transport	7 June 2017
EIA (Stage 1) reference number:	Date of EIA (Stage 2):
	14 June 2017

A) Further evidence and consultation with employees, residents and any other stakeholders

As part of your Stage 1 EIA you identified evidence/intelligence you had available to support your assessment of the impact of your proposal on different groups.

Stage 2 is different to Stage 1. It is a live process that needs to be your companion throughout the whole of the proposal considerations.

At Stage 2 you need to document the evidence you **already have** to show you have undertaken consultation. You also need to document what you are **planning to do too**. This section needs to be regularly updated when you have completed a piece of consultation activity. This helps to support the work you are doing to understand the impact of your proposals.

CONSULTATION WITH KEY STAKEHOLDERS				COMPLETE THIS DETAIL WHEN YOU HAVE DONE YOUR CONSULTATION	
REF No.	Which key stakeholders have you/are you consulted/ing with?	Why have you/are you consulted/ing them (or not?) and what were you/are you looking to find out?	How did you/are you planning to consult them? Date and method of planned consultation	Actual Date of Consultation	Outcome of consultation What have you learned? Do you have actions to complete that will help mitigate any unnecessary negative impact on groups? [move to section B if you do]
1	Adults with a disability	We consulted with users of short breaks / respite (also includes groups in ref no's 2, 3 and 5)	https://www.kirklees.gov.uk/involve/entry.aspx?id=852	September – October 2016	We need further evidence of the types of activities which children, young people and adults with disabilities would like.
2	Carers and families of adults with a disability	To find out what people think about the idea of having an All Age Disability Service in Kirklees (also includes groups in ref no's 1, 3 and 5)	http://healthwatchkirklees.co.uk/wp-content/uploads/2015/07/FINAL-report-AADS-2.pdf	November – December 2015	This information has helped us to shape the All Age Disability Service to date; we now need to consult people about specific service areas.

3	Children and young people with special educational needs or a disability	We conducted an exercise children and young people with SEND to allow them to share their thoughts and feelings about the issues they face daily (both in and out of school), the services that are provided to support them and their aspirations for the future.	https://kirkleesyc.org.uk/wp-content/uploads/2016/11/My-Journey-day-to-day-experiences-of-yp-with-SEND.pdf	June 2016	This information provides us with useful background information about the issues faced by children and young people with SEND; we now need to consult people about specific service areas.
4	Children and young people of school age	To find out about the health, well-being and resilience of year 7, 9 and 12 students in mainstream secondary schools and colleges across Kirklees	https://www.kirklees.gov.uk/involve/entry.aspx?id=749	2014	This information provides us with brief data on children and young people's views about transport; we now need to consult people about specific service areas.
5	Parents of children and young people with special educational needs or a disability	To seek people's views on new ways to provide support to children, young people and families - Early Help (includes all groups in ref no's 1 – 6).	https://www.kirklees.gov.uk/involve/entry.aspx?id=842	July – August 2016	This information provides us with some general background; we now need to consult people about specific service areas.
6	Parents of school age children	To seek people's views on removing free transport to children attending schools based on religion or belief.	https://www.kirklees.gov.uk/involve/entry.aspx?id=739	February – March 2015	This consultation gives us an insight into the impact of removing free transport from families. We now need to seek parents' views on wider Home to School Transport.

7	Parents of pre-school age children	The Department of Education sought the views of parents with pre-school children about the 30 hours free childcare extended entitlement for working parents of three- and four- year olds	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/586231/Parents_views_and_demand_for_30_hour_s_free_childcare - RR611.pdf	March – April 2016	This consultation helps us to estimate potential demand for the Access Fund.
8	General public	We need to seek people’s views on the service areas affected	September – October 2017 (subject to approval)		
9	Key partners and agencies	We need to consult a number of relevant partners and agencies, e.g. schools, including special schools	September – October 2017 (subject to approval)		

B) Action planning

If you identified that you needed to take further action after you consultation activity in section A, you need to now complete this action plan.

It needs to include: a list of actions that you will take, what you think will be the projected outcome from doing this, record what you ended up doing, when you did this and what the actual outcome was.

Actions need to cover your next steps AND specific actions that you will need to take to help mitigate the impact against protected groups that is being identified through your consultation.

THIS IS A LIVE PLAN – YOU WILL NEED TO REVIEW & CONTINUE TO UPDATE IT

EIA - ACTION PLAN			Complete this section when you have actually carried out some actions		
REF.No [from section A]	What actions are you going to do as a result of carrying out your consultation?	What do you think these actions will achieve? Will they mitigate any adverse impact on protected groups? Will they foster	What did you actually do?	When did you do this?	What was the actual outcome? Have you mitigated any negative impact? Have you ensured good relations exist? Have you promoted

		good relations between people? Will they promote equality of opportunity?			equality of opportunity?

C) Publishing Your EIA

ALL Equality Impact Assessments must be published. They are public documents. As you update your EIA, you will need to re-publish this to show the changes you are making. This will allow stakeholders in your proposal to be more informed and talk to you in a more knowledgeable way about your proposal.

Appendix D – Communication Plan

General public	<ul style="list-style-type: none">• Social media campaign, press statement• News item on Council website• Drop in sessions at Dewsbury and Hudds Cust Service Centres
Parents	<ul style="list-style-type: none">• Mail to families currently getting home-school transport• Link on schools admissions web page - 1 September• Ask schools to promote online survey via text and social media
Children and young people with SEND and their parents / carers	<ul style="list-style-type: none">• Engagement with special schools / specialist provision• PCAN to promote via their networks and meetings• Email parents on additional needs register
Older people and their carers	<ul style="list-style-type: none">• Information & survey link to Older People's Partnership Board, providers of day services and carers' groups• Promotional leaflets in libraries and customer service centres
Adults with disabilities and their parents / carers	<ul style="list-style-type: none">• Information and survey link via Healthwatch networks• Small focus groups with adults facilitated by KIN• Attend Learning Disability Partnership Board meeting
Schools and settings	<ul style="list-style-type: none">• News item in Heads Up (all head teachers)• Ask schools to promote online survey via text and social media• Attend SENCo Network meeting• Information and survey link to PVI Managers Network
Partners and professionals	<ul style="list-style-type: none">• Attend Early Years SENCo Network / send info + survey link• Information and survey link to Pre School Learning Alliance, National Assoc Day Nurseries, Prof Assoc Childcare & Early Yrs• Attend health professionals network meeting
Ward councillors	<ul style="list-style-type: none">• Items in Chief Executive's newsletter

Appendix E – All Age Disability Service’s Overarching Policy Framework 2017

Overarching Policy Framework

2017



All Age Disability Service



All Age Disability (AAD) Service – Overarching Policy Framework

This document sets out the purpose of the All Age Disability Service including its principles and our offer to the community. This overarching approach, under which a range of policies will sit, reflects New Council principles and clarifies how the partnership with parents, carers and families will work and what the public can expect from the services we provide and commission. It also gives some context about the population we serve and an overview of the future direction for the provision of affordable care and support for individuals and their parents, carers and families.

Our All Age Disability Policy Framework aligns to the vision for New Council of;

- supporting communities to do more for themselves and each other
- keeping vulnerable people safe and helping them to stay in control of their lives
- providing services – but focusing on the things that only the council can do

Our approach to AAD is about making sure everyone knows it's everyone's responsibility. As well as being for disabled people, this document is for family, carers, friends, neighbours, employers, educators, decision-makers, funders and planners.

People with a disability in Kirklees – the population we serve

The All Age Disability service currently provides support for 1724 people with disabilities (excludes Physical Disability). The rates of disability within the general population are expected to increase – largely due to a growing number of older people living longer with a disability. There is a growing population of children with a disability; children with the most complex needs are living longer and reaching adulthood. Several factors are also expected to have an impact on the future numbers of children born with a disability – for example, rising maternal age, improving survival rate of pre term-babies, improvement of ante-natal screening, the future prevalence of smoking, drinking and drug use during pregnancy. Increasing levels of awareness of learning disabilities and behavioural needs are also expected to raise demand. These are just some of the factors that make it reasonable to predict a future increase in the level of demand for this service, with pinch points at both extremes of the age range.

The All Age Disability service reflects the new thinking and direction that is required to establish a framework within sustainable resources, which values the capacity and strengths of people with a disability to assist in the solutions needed. The economic context is that all local authorities have to manage with significantly reduced budgets; Clinical Commissioning Groups also face severe financial challenges. In Kirklees we aim to ensure the funding we do have is spent on the most appropriate services that achieve the best outcomes and prepares children with a disability for adulthood. With significantly less funding in future years the council and key partners can no longer carry on doing the same things; we have to do things differently as we move towards New Council.

Demographics

There are 98,770 children and young people under 18 living in Kirklees, of which an estimated 2,500 children and young people aged 0 to 18 will have a learning and/or physical disability

Kirklees Council working in partnership with Kirklees Clinical Commissioning Groups aims to support individuals and communities to support each other and try to ensure everyone stays healthy and well and receive the care and support they need, when they need it.

Safeguarding is a priority for Kirklees Council and our partners, we will ensure children with a disability are kept safe and help them in the most appropriate way

Around 7,000 children are identified as having some form of special educational needs

- around 2,370 have a special educational need statement or education health and care plan
- around 757 people with a statement of special needs or education health and care plan are 16 and over.
- there are around 475 children with a disability currently accessing funded care and support services
- 168 children with special educational needs are educated out of area
- around 150 children with a disability and or special educational needs turn 18 and enter adulthood every year

There are 6396 people aged 18-64 that are known to have a learning disability in Kirklees

- it is estimated that there are 1516 that have a learning disability aged 65
- 1267 adults with a learning disability known to the local authority
- just under 1000 receiving funded ASC support

Currently nearly two thirds of the learning disability budget is spent on supporting people to live in a care or nursing home or their own home via commissioned services (e.g. supported living, community support, day care) and direct payments.

Legal Framework

There are many pieces of legislation and policy relating to disability, equality and improving the quality of life for disabled people. We have picked out some of the most recent developments and changes that will underpin the AAD Service and enable us to effect faster and wide-reaching change.

Key Legislation and Guidance

- Children and Families Act 2014
- Care Act 2014
- Equality Act 2010
- Public Services (Social Value) Act 2012
- Children's Act 1989 & Children Act 2004
- Health & Social Care Act 2008
- Mental Capacity Act 2005
- The Breaks for Carers of Disabled Children" Regulations 2011
- Autism Act 2009
- Carers (Recognition and Services) Act 1995
- Housing Grants, Construction and Regeneration Act 1996 (Disabled Facilities Grant)

See appendix A, for a summary of each piece of legislation detailed above

The All Age Disability Service Offer

The All Age Disability service represents a shift in thinking that takes into account the drivers listed above and offers a more personalised approach to care, the individual needs of the person and the impact of those needs on the opportunities for that person to lead a fully inclusive life. It focuses on the strengths of individuals rather than what they cannot do. It does not consign people to responses based on their "label" rather than their personal needs and choices. It is about what is good for the individual **not** what is easy for the organisation. It is also important to recognise that it needs to be affordable and within available resources.

Criteria for accessing social care services

For people aged up to 18 years old

The Kirklees Council Disabled Children's Criteria for accessing social care services is currently under review. This criteria will reflect any National legislation that impacts on this.

The Children's Act 1989 states;

Provision of services for children in need, their families and others;

- (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)— (a) to safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families

Section 10

For the purposes of this Part a child shall be taken to be in need if— (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part; (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or (c) he is disabled, and "family", in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

Section 11

For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part— "development" means physical, intellectual, emotional, social or behavioural development; and "health" means physical or mental health.

For people aged 18 years old and over

The Care Act 2014 introduces a national eligibility threshold, which consists of three criteria, all of which must be met for a person's needs to be eligible. The eligibility threshold is based on identifying:

- whether a person's needs are due to a physical or mental impairment or illness
- to what extent a person's needs affect their ability to achieve two or more specified outcomes
- and whether and to what extent this impacts on their wellbeing

Care Act- National eligibility threshold (governed by Care and Support regulations 2015)

Firstly, in considering whether a person's needs are eligible for care and support, local authorities must consider whether the person's needs are due to a physical or mental impairment or illness. This includes conditions such as physical, mental, sensory, learning or cognitive disabilities or illnesses, brain injuries and substance misuse.

If they do have needs caused by physical or mental impairment or illness, the local authority must consider whether the effect of the adult's needs is that they are unable to achieve two or more of the following specified outcomes;

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult's home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- carrying out any caring responsibilities the adult has for a child

Local authorities must consider whether, as a consequence of the person being unable to achieve two or more of the specified outcomes there is, or is likely to be, a significant impact on the person's wellbeing. Local authorities should determine whether:

- the adult's needs impact on an area of wellbeing in a significant way; or
- the cumulative effect of the impact on a number of the areas of wellbeing mean that they have a significant impact on the adult's overall wellbeing

How we will work using our principles

Please note, where we use “**must**” this implies statutory duty

Reshaping of disability support with a commitment to co-production by enabling a strong voice for people with disabilities and their families

- we **must** consider the views, wishes and feelings of the child, young person and their carers
- we **must**, where possible, actively promote participation in providing interventions that are co-produced with individuals, families, friends, carers and the community
- we will work in a commissioning led way to ensure we have a picture of the whole market and continue to identify any gaps and work across all sectors, with people with disabilities and their families to shape and develop the market further to ensure there is sufficiency
- we will continue to consult and engage with fora that represent our disabled communities ensuring we gather the views of a wide and diverse range of people and their families that use our services
- we will ensure intelligence and feedback is used to feedback to decision making bodies
- we will continue to develop tools to improve access, information and advice using tools such as the local offer and connect to support

Integrated commissioning and choice and control to ensure people with disabilities are supported to live fulfilling lives

- we **must** make any necessary arrangements to meet the needs of chronically sick disabled people by providing a range of services
- we **must** provide a range of short breaks for disabled children, young people and their families
- we **must** promote wellbeing when carrying out any care and support in respect of a person
- we **must** promote diversity and quality in provision of care and support services and ensure that a person has a variety of providers to choose from.
- we **must** facilitate markets to offer continuously improving, high quality, appropriate and innovative services, including fostering a workforce which underpins the market.
- we **must** prevent, reduce and delay local needs for care and support coupled with a joint working/integration requirement with health where this benefits the service users
- we must provide services which take into account affordability and available resources
- we will continue to shape the market by ensuring access to transparent and equitable personal budgets and direct payments to promote choice and control in a person centred way and ensuring appropriate and fair use of council resources
- we will continue to work with partners including local health and education services and ensure commissioning is evidence based and outcome focussed with robust policies and criteria to support this
- we will ensure that the overarching policy framework does not conflict with other Council policies, for example the Kirklees Home to School transport policy.

Best start in life, early help and support for families and carers

- we **must** carry out a needs assessment and have a duty to meet any eligible needs
- we **must** support people to live as independently as possible for as long as possible
- we **must** consider during assessments whether the people concerned would benefit from some type of preventive service or intervention
- we will endeavour to identify SEND as early as possible
- we will identify appropriate support and ensure it is implemented
- we will ensure young children with SEND have appropriate support to start school
- we will take into account the rights and responsibilities of parents/carers. We will work in partnership to support parents/carers in their parenting/carer role.
- we must provide information about local provision for Children and young people with SEND that is accessible to all (Known as the Local offer)

We will continue to ensure children, young people and their families have the tools and resources they need to help themselves and remain resilient using strengths based, enabling approach with a focus on peoples aspirations

Adopting a whole family and a life-long approach

- we **must** involve the child, young person and their parents in decisions that affect them
- we **must** give the child, young person and their parents the information and support they need to be involved in decision making
- we **must** support the child young person and their parents to achieve the best possible outcomes
- we **must** focus on delaying and preventing care and support needs and support people to live as independently as possible for as long as possible
- we will take into account the assets a family have when arranging services
- we will use a whole family approach in all our assessments and consider the short, medium and long term outcomes for the individual and their family to reduce long-term dependency. The whole family approach is based on the principle of lifelong planning and working in partnership with individuals and their families/carers to fulfil their assessed outcomes.
- we will ensure resources are used effectively by offering support when it is needed most and working towards clear pathways in and out of our service
- we will continue to support carers of disabled people and value their contribution in their caring role

Better prevention and early intervention to promote independence and prevent family breakdown

- we **must** safeguard and promote the welfare of children
- we **must** identify and provide appropriate early/timely intervention
- we **must** establish and maintain a service for providing people with information and advice relating to care and support
- we **must** recognise and respond to the specific requirements that carers have for both general and personal information and advice
- we **must** ensure information and advice is accessible to all
- we will provide support and guidance as early as possible to nurture confidence and resilience in families to manage challenges and reduce crises and dependency on our services
- we will work closely with universal and targeted community support services to ensure a range of early support for all age groups is available
- through the assessment process we will offer support at universal, targeted and specialist levels depending on your individual needs

Locality and relationship based approach to meeting need and managing risk

- we **must** consider the importance of identifying services, facilities and resources that are already available in area, which could support people to prevent, reduce or delay needs
- we will use locality based commissioning intelligence and data to inform market development within local communities, using resources flexibly depending on the needs of different communities
- we will continue to develop strong partnership with community and voluntary sector groups
- we will encourage people to make use of natural support networks and find creative ways of using personal budgets together with other families in local communities

Improve the experience of people with disabilities at transition into adulthood

- we will ensure the service is seamless with smooth transition points at key life stages
- we will create long term pathways through the service via a single holistic assessment and support plan
- we will prepare school leavers with education health care plans to be active members of the community through equipping them with life and vocational skills, so they can live as independently as possible

More partnership working with all relevant stakeholders

- we **must** work with partners to care for and improve the wellbeing of the child or young person
- we **must** work together in how we design, deliver and buy services for children and young people
- we **must** work with partners and make the person the starting point for planning, rather than what services are provided by a particular agency
- we **must** carry out our care and support responsibilities with the aim of promoting greater integration with NHS and other health related services
- we will further develop relationships based on trust between statutory services and the people they serve
- we will ensure we work co-productively with relevant stakeholders

Make all our processes personalised, flexible, transparent and cost effective

- we will ensure our services are designed to be personalised, flexible, transparent and cost effective
- we will develop a transparent and shared decision making and resource allocation tool
- we will enable as many people as possible to manage their own personal budget
- we will continue to develop the marketplace for people to purchase personalised services
- we must calculate a budget for people with social care needs and their carers
- we will provide structured, open and honest information at the first point of contact
- we will focus resource (time, effort, money) on those with the most complex needs and promote Early Intervention & Prevention which keeps individuals independent for as long as possible
- we will meet the overall financial targets set for Adult Social Care through transformation activity, while continuing to meet statutory requirements
- we will use a targeted approach to deliver services – stratify and segment user base and focus resources where they will have the most impact
- we will work with other public bodies and drive efficiency through joint working

Promote equal access to community opportunities and the whole range of universal services

- we will work with other statutory agencies including planning and transport to ensure they consider the needs of disabled people
- we will continue to promote community inclusion with all partners
- we will improve our data collection and ensure this is analysed appropriately to support and develop future services

To enable all people with disabilities to live safer lives and protect the most vulnerable

- we **must** make enquiries, or ensure others do so, if it is believed that an adult is, or is at risk of, abuse or neglect. Such enquiries should establish whether any action needs to be stop or prevent abuse and if so by whom.
- we will support communities and service providers to recognise and report hate crime
- we will promote the use of advocacy services
- safeguarding will be at the heart of our service, however we will encourage positive risk taking.
- we will actively support the use of 'safe places' in local areas

Key Legislation and Guidance- Appendix A

Summary of legislation

Children & Families Act 2014

Part 3 of this Act reforms the statutory framework for identifying children and young people with special educational needs (SEN), assessing their needs and making provision for them. They require local authorities to keep local provision for children and young people with SEN and disabilities under review, to co-operate with their partners to plan and commission provision for those children and young people and publish clear information on services they expect to be available.

One of the key features of The Children and Families Act 2014 was the extension of the age range of those children and young adults with special educational needs and disabilities (SEND) who must be assessed and supported by education, health and care up to 25 years of age.

Statements and Learning Difficulty Assessments for those with the highest needs have been replaced by an Education, Health and Care Plan (EHCP). EHCPs have the child's (or young person's) voice at the very centre, along with that of their parents (or carers), and include contributions from the family, school/college, health, care and other relevant agencies.

The Children and Families Act 2014 also formally recognises the contribution young carers make to their families (and extended families), and the impact that being a carer may have on a young person.

The Act requires the needs of the whole family to be considered in the future when a child is identified as a young carer; young carers have the same legal entitlement to assessment and support from local authorities as adult carers. The role of young and adult carers has been recognised in the past by the Government

The Care Act 2014

The Care Act 2014 sets out the general responsibilities of local authorities for the provision of adult social care. It enables the Council to build on existing foundations and establish more personalised services for carers. The Act also gives us the opportunity to commission services that not only support carers but actively seek out 'hidden' carers.

The Care Act 2014 made a number of significant changes to how local authorities assess for, commission and deliver a more holistic and personalised range of adult social care services.

The Equality Act 2010

The Equality Act 2010 is a major piece of legislation that brings together and strengthens the various existing pieces of anti-discrimination legislation that have been passed since the 1970s. The Act places a general duty on the Council to have regard to the need to (a) eliminate unlawful discrimination and (b) advance equality of opportunity and (c) foster good relations between people with protected characteristics and those without it. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Public Services (Social Value) Act 2012

The Public Services (Social Value) Act requires us to consider the collective benefit to the local community of any services that we commission or procure and by spending more money can build stronger communities, improving health and improve the environment.

The Children Act 1989 & 2004

The Children Act 1989 allocates duties to local authorities, courts, parents and other agencies in the United Kingdom, to ensure children are safeguarded and their welfare is promoted. The Act requires the Council to safeguard and promote the welfare of children who are in need – this includes children with disabilities.

The Children Act 2004 provides the legal basis for how social services and other agencies deal with issues relating to children

Health & Social Care Act 2015

An Act to make provision about the safety of health and social care services in England;

- to make provision about the integration of information relating to users of health and social care services in England
- to make provision about the sharing of information relating to an individual for the purposes of providing that individual with health or social care services in England
- to make provision for removing individuals convicted of certain offences from the registers kept by the regulatory bodies for health and social care professions
- to make provision about the objectives of the regulatory bodies for health and social care professions and the Professional Standards Authority for Health and Social Care
- to make provision about the disposal of cases concerning a person's fitness to practise a health or social care profession and for connected purposes

Mental Capacity Act 2005

The Mental Capacity Act (MCA) 2005 applies to everyone involved in the care, treatment and support of people aged 16 and over living in England and Wales who are unable to make all or some decisions for themselves. The MCA is designed to protect and restore power to those vulnerable people who lack capacity

The Breaks for Carers of Disabled Children” Regulations 2011

The Regulations provide further detail on how local authorities must perform their duty in the Children Act 1989 (“the 1989 Act”) to provide, as part of the range of services they provide for families, breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively. In summary, the Short Breaks Regulations require local authorities to do three things:

- to ensure that, when making short break provision, they have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break
- to provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and
- to provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.

Working Together To Safeguard Children 2015 (Guidance)

Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and this guidance sets these out in detail. This includes specific duties in relation to children in need and children suffering, or likely to suffer, significant harm, regardless of where they are found, under sections 17 and 47 of the Children Act 1989.

The Director of Children's Services and Lead Member for Children's Services in local authorities are the key points of professional and political accountability, with responsibility for the effective delivery of these functions.

Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes

Local agencies, including the police and health services, also have a duty under section 11 of the Children Act 2004 to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions.

Under section 10 of the same Act, a similar range of agencies are required to cooperate with local authorities to promote the well-being of children in each local authority area (see chapter 1). This cooperation should exist and be effective at all levels of the organisation, from strategic level through to operational delivery.

Professionals working in agencies with these duties are responsible for ensuring that they fulfil their role and responsibilities in a manner consistent with the statutory duties of their employer.

Special Educational Needs and Disability – SEND Code of Practice 2014 (Guidance)

This guidance refers to Part 3 of the Children and Families Act 2014 and associated regulations. The regulations associated with the Children and Families Act 2014 are:

- The Special Educational Needs and Disability Regulations 2014
- The Special Educational Needs (personal budgets) regulations 2014
- The Special Educational Needs and Disability (detained persons) regulations 2015
- The Children and Families Act 2014 (transitional and saving provisions)(no 2) order 2014

Local authorities must consult children with SEN or disabilities, their parents, and young people with SEN or disabilities in reviewing educational and training provision and social care provision and in preparing and reviewing the Local Offer.

Autism Act 2009

The Autism Act 2009 committed the Government to publishing an adult autism strategy to transform services for adults with autism. And this commitment was met on 3rd March 2010 with the publication of the first ever strategy for improving the lives of adults with autism in England.

The strategy set out a number of key actions and recommendations for central Government as well as for local authorities, the NHS and Jobcentre Plus, focusing on five key areas:

- increasing awareness and understanding of autism
- developing a clear and consistent pathway for diagnosis
- improving access to the services and support people need to live
- independently within the community
- employment
- enabling local partners to develop relevant services to meet identified needs and priorities.

Carers (Recognition of Services) Act 1995

The Carers (Recognition and Services) Act 1995, which came into effect on 1st April 1996 was the first piece of legislation to recognise fully the crucial role played by carers. The Act contains two main elements for carers:

- a carer's right to ask for an assessment of their ability to care
- local authorities duty to take into account the results of this assessment when looking at what support to provide to the person cared for (the service user)
- the act covers three groups of carers:
 - adults (people aged 18 or over) who care for other adults
 - adults who care for ill or disabled children (under the age of 18)
 - young carers under the age of 18 who care for a relative

To be eligible for an assessment carers must be:

- providing, or intending to provide, a substantial amount of care on a regular basis
- under this act an assessment is available on request when a local authority carries out an assessment of the person cared for in respect of services under:
 - The NHS & Community Care Act 1990
 - The Children Act 1989
 - The Chronically Sick & Disabled Persons Act 1970

Housing Grants, Construction and Regeneration Act 1996 (Disabled Facilities Grant)

Mandatory Disabled Facilities Grants are available from local authorities in England and Wales, subject to a means test, for essential adaptations to give disabled people better freedom of movement into and around their homes and to give access to essential facilities within the home.

All Age Disability Service

