

Name of meeting: Cabinet
Date: 17 January 2017
Title of report: Proposals for the future of the Young People's Activity Team (YPAT) in the context of the medium term financial plan

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
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 <u>Director</u> & name Is it also signed off by the Director of Resources? Is it also signed off by the Assistant Director (Legal, Governance & Monitoring)?	Richard Parry, Director for Commissioning, Public Health & Adult Social Care, 4 Jan 2017 Debbie Hogg, Assistant Director for Financial Management, Risk and IT, 4 January 2017 Julie Muscroft , 4 January 2017
Cabinet member portfolio	Cllr Erin Hill & Cllr Viv Kendrick

Electoral wards affected: All Wards affected
Ward councillors consulted: None
Public or private: Public

1. Purpose of report

- 1.1 As part of the Medium Term Financial Plan (MTFP), a total of £584k savings are expected to be made from the Young People's Activity Team (YPAT) budget for 2017/18 whole service savings. Approval was received by Cabinet members on 23 August 2016 to engage with users, carers and families of the YPAT service and with those who access the wider short breaks and respite offer in Kirklees. The purpose of this report is to provide an update for Cabinet members following the engagement exercise and to propose options for consideration.

2. Summary

2.1 What are short breaks and respite?

Short breaks and respite come in many different forms. They ensure parents/carers and families have the respite they need to meet their needs. This provides families with a break from caring whilst they are reassured that their child/family member is safe and enjoying new and positive experiences.

Examples can include:

- Support in the home (day or night)
- Activities outside of the home, including overnight stays
- Services that offer help and support to carers in the evenings or during school holidays

2.2 Currently, a range of short breaks provision exists for parents / carers of disabled children and young people in Kirklees.

Examples of these include:

- Universal – open access community based activities e.g. after school clubs, youth clubs, holiday play schemes;
- Buildings based provision for those with complex/specialist needs, e.g. Orchard View;
- Community based provision for those with complex/specialist needs, e.g. YPAT;
- Fostering (Disabled Children);
- Domiciliary care type support;
- Use of direct payments - personalised solutions.

2.3 The Young People's Activity Team (YPAT) service is one element of the short breaks offer in Kirklees and is for eligible disabled children with complex needs. However, in recent years there has been a lack of clarity about eligibility. It is a Council managed service that provides after school, youth, weekend and holiday clubs for disabled children and young people. It is based in Ravensthorpe in Dewsbury.

2.4 The service is accessed at present, by 148 disabled children and young people. The service also provides a weekend and youth club offer for 17 disabled adults, this is part funded via Carers Strategy monies.

2.5 The service currently employs 25 staff on a substantive contract and 61 staff on a casual basis. The service also deploys volunteers.

Demographic data

2.6 There is a growing population of children with a disability; in particular those with complex health needs. Children with the most complex needs are living longer and reaching adulthood. The Infant mortality rate is reducing,

In Kirklees, around 5,782 children are identified as having some form of special educational needs. The numbers of primary and secondary school children with a disability are below the England average, however the number of children with profound and multiple learning disabilities in special school settings in Kirklees are more than double the England average.

Legislation and National Guidance

2.7 SEND vision

Children and young people with SEND will:

- have a positive part to play in their communities and Kirklees should be a place where they are able to participate fully alongside others in the life of their community;
- be actively involved with their families and carers in the planning and delivery of services from all agencies;
- be able to get the best positive start in life and have the opportunity to achieve their full potential;
- be able to access holistic, flexible services that work in an integrated way with all agencies.

- 2.8 **The Breaks for Carers of Disabled Children Regulations 2011** prescribes the manner in which local authorities must make provision for short breaks for carers of disabled children and young people in their area. The regulations state that local authorities must have regard to the needs of those carers who would be able to provide care more effectively if they had breaks from caring and the needs of those carers who would be unable to continue to provide care unless a break were offered to them.
- 2.9 In performing their duty, the local authority must provide as appropriate a range of:
- daytime care in the homes of disabled children or elsewhere
 - overnight care in the homes of disabled children or elsewhere
 - educational or leisure activities for disabled children outside their homes
 - services available to assist carers in the evenings, at weekends and during the school holidays

Childcare legislation

- 2.10 The local authority has a statutory duty to secure sufficient childcare provision for children up to the age of 14 (18 for children with disabilities) to meet the needs of parents who require childcare in order for them:
- to take up, or remain in work; or
 - undertake education or training which could reasonably be expected to assist them into work

In securing sufficiency the Local Authority has to take account of the complexity of the local childcare market and must work in partnership with childcare providers.

- 2.11 The power to provide childcare directly is greatly restricted by the Childcare Act and local authorities can only provide childcare if it is satisfied that nobody else is willing to provide childcare, or if someone is willing, that in the circumstances it is more appropriate for the local authority to do so.
- 2.12 Kirklees Council has a legal duty to offer personal budgets under the legislation of The Children and Families Act 2014. The process used to establish the personal budget must be transparent so that individuals are clear how their budget was calculated and the method used is robust and consistent, so that people have confidence that the personal budget allocation is sufficient to meet their eligible unmet care and support needs
- 2.13 The council is facing increasing costs and demand for care and support services for children, young people and adults with a disability, whilst having significantly less funding available. We need to ensure the funding we do have is spent on the most appropriate service. In line with the Council's vision, legislation and feedback from parents/carers, the proposed future direction of travel for the short breaks and respite offer in Kirklees is:
- a move towards more family/home based/personalised support solutions
 - an expansion of the inclusive offer in the community (universal and targeted) and a refocus of buildings based respite for only those with the highest level of need.

Public Sector Equality Duty (PSED)

- 2.14 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.

2.15 The protected characteristics covered by 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).

Our approach

2.16 Following approval from Cabinet in August 2016, an engagement exercise was undertaken between the 7th September and 21st October 2016. A targeted approach was taken and a number of methods were used as part of this exercise.

These included:

- the use of an online survey - also available in paper format, including an easy read version;
- drop in sessions - held at various locations across Kirklees; with specific drop in sessions for those children, young people and families that access the Young People's Activity Team;
- feedback collated at individual's service reviews.

A total of 224 responses were received via the survey.

2.17 A high level review of the short breaks and respite offer in Kirklees has also been undertaken, this included a high level review of the Young People's Activity Team (YPAT) offer.

Findings

2.18 It is clear following the high level review, that there is a lack of clarity and consistency about the overarching short breaks and respite offer for disabled children, young people and their families. We need to ensure that the future short breaks and respite offer in Kirklees is fit for purpose.

2.19 Summary of key findings from the engagement exercise

- Short breaks and respite are invaluable for the service user, parents/carers and the family as a whole;
- Individuals are willing to travel, although not too far as it ceases to be worthwhile in terms of a break. Ideally provision is needed locally;
- More work is needed to make the direct payments process simpler & easier to use;
- Weekday, weekend and overnight stays rated as the most important;
- Individuals would like to see the increased use of a mainstream & specialist provision- e.g. special schools- wrap around provision/inclusive offer;
- Better information is needed about what's available & also in different formats;
- Processes & eligibility need to be made clearer;
- Gaps identified include the lack of provision for young adults & that individuals/families would like to see better child care provision after school, in the school holidays and at weekends;
- More support for parents/carers needed;
- YPAT service- highly valued by individuals/families that use the service. Frequent reference made to the staff being well trained in order to meet individual's needs;
- Increased need for enablement type services- skilling people for life.

2.20 Findings following a review of short breaks and respite in Kirklees (including YPAT)

- A significant number of disabled children, young people, adults and their families access a large variety and combination of the full range of short breaks and respite services on offer. This can restrict opportunities for other families in need. The Council's short break's policies haven't been sufficiently developed over time, in order to meet the level of demand and expectations and to ensure equity of provision, with the finances available;
- All the children using YPAT service have an eligible need. Indeed, many require a specialist service. This means that whole savings cannot be achieved by ceasing or significantly restricting the service, without a negative impact on families using the service and the potential to be non-compliant legally;
- The YPAT core offer is for disabled children and young people. However, there are a number of adults accessing this service. The adults offer (weekend and youth club) is currently part funded via Carers Strategies monies and is provided in addition to the core adult service offer;
- There is a complex relationship between respite and childcare. Historically, in some cases, the YPAT service has met the childcare needs of those parents/carers', that have been unable to source appropriate childcare places from schools and other childcare providers. The YPAT service, however, is intended to provide short breaks for parents / carers, not to provide childcare;
- The market is not yet shaped sufficiently to meet future demand for childcare and short breaks;
- Work has commenced on a children's Resource Allocation System (RAS), though this has yet to be implemented;
- There is no clear charging policy in place.

2.21 As a result of these findings we propose that:

- A more robust policy framework is developed as a priority. This includes the development of a charging policy and implementation of a Children's Resource Allocation System (RAS). This that will enable the Council to have a clear, transparent, fair and legally compliant offer. This will also ensure that the offer meets the needs of a growing population of disabled children and adults in an environment where the Council has significantly reduced resources. There will be a requirement to consult with users and families. Advice will be sought from the Council's Legal Services, as appropriate.
- Work continues with the Childcare Sufficiency team to ensure there is sufficient childcare available for all disabled children and young people up to the age of 18 years, in order to ensure that their needs are met- in line with legislation. New policy will need to be developed. As part of this proposal, there will be a requirement to review those that are accessing short breaks services for childcare reasons. The further development of the childcare market over time will see a reduction in the numbers accessing YPAT and other short breaks services for childcare reasons.
- We will continue to further market shaping work, so that it can be sufficiently shaped to meet future demand. Work is needed with local special schools, mainstream and community provision to further increase the short breaks and respite offer, closer to local networks, and increase choice and flexibility. This clearly links with the Early Help offer and the Community Plus theme of the Early Intervention and Prevention Programme.
- We will continue work on reviewing the direct payment process. This will need to be evaluated and the necessary steps taken to ensure that any issues are addressed. A detailed communication plan will need to be developed to ensure that all individuals and their families are clear on the process.

The proposals outlined above will make savings in the medium to longer term but will not take out the savings needed in the current Medium Term Financial Plan (MTFP).

- 2.22 Taking into account the feedback received from the engagement exercise and the findings from the high level review of the Council's short breaks and respite offer. We propose that the Council continues to provide the short breaks service offered at the Young People's Activity Team (YPAT) for disabled children and young people up to the age of 18 years, with the greatest level of need, in the short to medium term. This creates pressure on the budget, however, we propose that we will look to create savings/efficiencies where possible and further reduce the budget by the following, over the next 2/3 years;
- 2.23 Ceasing the service offered at YPAT to those over the age of 18 years. This service is provided in addition to the core adult services offer. Each adult accessing this service will have an individual review to ensure that any eligible needs are met by Adult Services. Carers will also be offered an assessment of their needs.
- 2.24 A review of the current YPAT staffing structure and rota arrangements to ensure the cost effective deployment of staff based on the needs of the service; maximising the productive use of staff time and skills for the benefit of users of the service.
- 2.25 A review the Council's building's based short breaks and respite delivery arrangements. There is a disparity between the staffing of children's and adult's provision. Further work is required in terms of analysis of job descriptions and roles and responsibilities in order to address this disparity. The financial impact of the above actions is as yet to be clearly defined, but would be expected to be significant.

3. Implications for the Council

- 3.1 Financial- It is clear that whole service savings are not achievable at this stage. This will lead to budget pressures in other service areas.
- 3.2 Some delayed savings will be achieved via ceasing the YPAT offer to adults, and service efficiencies; including a review of the short breaks buildings based offer. The proposed introduction of charges for some elements of service will offset this. Work to further develop the childcare offer for disabled children and young people will see a reduction in the number of families using the service for reason of childcare over time.
- 3.3 Ceasing the YPAT adults offer will be unpopular with service users, parents/carers and families. All of the adults accessing YPAT will have their needs individual needs reviewed before the service is withdrawn.
- 3.4 Further policy development work about the whole of the offer to parents of disabled children for short breaks/respite will ensure that there are clearer frameworks in place for decision making, increased transparency and accountability. The work to implement the Children's RAS, will ensure that there is a clear and transparent process in place for resource allocation, management and monitoring of spend.
- 3.5 The introduction of any charges as part of the implementation of a charging policy is likely to be unpopular. Feedback received as part of the engagement exercise indicated that some families were happy to pay additional monies for services, some were not. There is a risk of pressure on family finances if charges are introduced. Some families may choose not to access services because of cost, thereby there is a potential for additional pressure on them as parent / carers. We will consult with users and families, following advice from Legal Services, as appropriate.

- 3.6 There are HR implications and we will consult with staff and trade Unions in relation to these

4. Consultees and their opinions

- 4.1 Extensive engagement has occurred with service users, parents/carers and families, who have raised significant concerns about ceasing the YPAT service.
- 4.2 The Council's Early Intervention and Prevention and Redesign Boards have been consulted on these proposals and agree with the recommended option.
- 4.3 Engagement work has been undertaken with staff and Trade Unions.

5. Next steps

- 5.1 Should Cabinet agree with the proposals, the service would continue to be offered at YPAT for disabled children and young people up to the age of 18 years. Work would commence to:
- Cease the service offered to adults at Young People's Activity Team (YPAT)
 - Develop a more robust policy framework
 - Implement the Children's Resource Allocation System (RAS)
- 5.2 Work will continue:
- with the Childcare Sufficiency team, to ensure there is sufficient childcare available for all disabled children and young people
 - to further shape the market, so that it can be sufficiently shaped to meet future demand
 - to review the direct payment process
 - to further develop the Communications Strategy
 - to engage with staff and Trade Unions

6. Officer recommendations and reasons

- 6.1 Senior officers make the following recommendations:
- a) to continue to provide the short breaks service offered at the Young People's Activity Team (YPAT) for disabled children and young people up to the age of 18 years with the greatest level of need in the medium to long term.
 - b) to cease the service offer of YPAT to those over the age of 18 years and ensure each adult accessing this service receives an individual review to assess their eligibility and needs;
 - c) to ensure Carers of those outlined in (a) are offered an assessment of their needs;
 - d) to conduct a review of the current YPAT staffing structure and rota arrangements;
 - e) to conduct a review of the Council's buildings based short breaks and respite delivery arrangements, including review of job descriptions and roles & responsibilities;
 - f) to develop a more robust policy framework, including the development of a charging policy and the implementation of the Children's Resource Allocation System (RAS);
 - g) to continue to further shape the market, so that it can sufficiently shaped to meet future demand. This includes working with the Childcare sufficiency team, in order to ensure that there is sufficient childcare available for all disabled children and young people up to the age of 18yrs;
 - h) to continue to review the direct payment process with a view to developing a clearer process for individuals and families.

7. Cabinet portfolio holder's recommendations

Portfolio Holders for Children & Families and Adults, Health & Activity to Improve Health have confidence in the outcome of the engagement exercise and support the recommendations outlined in sections 2.21- 2. 25 in respect of:

- a) to continue to provide the short breaks service offered at the Young People's Activity Team (YPAT) for disabled children and young people up to the age of 18 years with the greatest level of need in the medium to long term.
- b) to cease the service offer of YPAT to those over the age of 18 years and ensure each adult accessing this service receives an individual review to assess their eligibility and needs;
- c) to ensure Carers of those outlined in (a) are offered an assessment of their needs;
- d) to conduct a review of the current YPAT staffing structure and rota arrangements;
- e) to conduct a review of the Council's buildings based short breaks and respite delivery arrangements, including review of job descriptions and roles & responsibilities;
- f) to develop a more robust policy framework, including the development of a charging policy and the implementation of the Children's Resource Allocation System (RAS);
- g) to continue to further shape the market, so that it can sufficiently shaped to meet future demand. This includes working with the Childcare sufficiency team, in order to ensure that there is sufficient childcare available for all disabled children and young people up to the age of 18yrs;
- h) to continue to review the direct payment process with a view to developing a clearer process for individuals and families.

8. Contact officer

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9. Background Papers and History of Decisions

Cabinet Report, 23 August 2016

<http://democracy.kirklees.gov.uk/documents/s12824/Request%20for%20approval%20to%20engage%20and%20consult%20on%20the%20proposals%20for%20the%20future%20service%20offer%20for%20the%20You.pdf>

10. Assistant Director responsible

Sue Richards, Assistant Director for Early Intervention & Prevention