

**Name of meeting:** Cabinet

**Date:** 23 January 2018

**Title of report:** Proposals for changes to support and transport for disabled children, adults and older people.

**Purpose of report:** To update Cabinet on the results of the consultation with service users and the wider public on potential changes to a number of services affecting children and adults with disabilities and their carers. To seek approval for proposals for changes to a number of these services, following the consultation.

<b>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?</b>	Yes Will have an impact on all wards Will save/spend in excess of £250k
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	Yes 20 December 2017
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	Yes
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Richard Parry – 10 January 2018</b>
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	<b>Debbie Hogg – 15 January 2018</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	<b>Julie Muscroft – 15 January 2018</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Viv Kendrick Cllr Cathy Scott</b>

**Electoral wards affected:** All wards

**Ward councillors consulted:** N/A

**Public or private:** Public

## 1. Summary

In August 2017 Cabinet approved a public consultation in the following areas;

- Access fund
- Home to School transport for those with SEN and/or disabled children
- Social Care transport for disabled children, working age adults and older people
- Short breaks for disabled children

This report provides information about the outcomes of the consultation in relation to the above.

This report also seeks approval for policy changes and the implementation of new approaches under existing policies.

The consultation also included home to school transport for non SEND provision. The proposals for non SEND children is dealt with in a separate report on this agenda. The decision to develop separate proposals was taken for a number of reasons;

- There is little cross over between the people affected by the two sets of proposals
- The proposals need to be tailored and designed around the needs of different populations

The proposals were set within the context of the council overall medium term financial strategy approved in February 2017 and driving value for money in order to provide for other cost pressures within the council.

All proposals outlined in the report have been equality impact assessed in line with the Public Sector Duty and Equality Act 2010. For more information, see section 3 of the report.

## 2. Information required to take a decision

The Council has agreed a set of shared outcomes;

- Children have the best start in life.
- People in Kirklees are as well as possible for as long as possible.
- People in Kirklees have aspiration and achieve their ambitions through education, training, employment and lifelong learning.
- People in Kirklees live in cohesive communities, feel safe and are safe/protected from harm.
- Kirklees has sustainable economic growth for communities and businesses.
- People in Kirklees experience a high quality, clean, sustainable and green environment.
- People in Kirklees live independently and have control over their lives.

A number of reviews concluded that some services were not as effective or efficient as they might be in achieving outcomes for some children and adults, particularly in maximising the independence of disabled children. It is thought that redesigning services to maximise independence may reduce demand on (some elements of) children's and adults social care. This may assist the financial sustainability of the service. The Council had also agreed a number of savings in the medium term financial plan in relation to areas covered by this

report and changes in here will impact on those savings. There are elements of the proposals in here which will also require investment.

This report ensures that changes following the review, budget proposals and consultations findings are brought together into one plan.

The consultation was carried out between 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport but both consultations were promoted together as some families could be affected by proposals in each consultation. The questionnaires and the consultation report detailing the findings can be found on the Kirklees Involve website:

[www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)  
[www.kirklees.gov.uk/SchoolTransportSurvey](http://www.kirklees.gov.uk/SchoolTransportSurvey)

## 2.1 Access Fund

### **Background and context**

From April 2017 councils are legally required to set up a fund (SEND inclusion fund – formerly called the access fund) to fund the additional costs of childcare for disabled children. This fund is used to cover the **additional** costs of providing childcare for children who have an identified special need. Parents pay the cost of childcare to the early years setting. The early years provider can apply to the SEND inclusion fund for any additional costs e.g. additional staffing or adaptations to the building. The fund supports parents maintaining work and children gaining appropriate independence and becoming school ready. The current statutory expectation is 15 hours which rose to 30 hours for parents who work, in September 2017. No additional funding was given for the increase in statutory hours and the fund continues to be under pressure.

The SEND inclusion/Access fund is complex and legislation is changing. Further information related to the Access Fund can be found in Appendix A.

### **Summary of the outcomes of the statutory consultation**

The consultation responses were overwhelmingly against the proposals to restrict the Access Fund by linking it with only statutory hours for child care, with concerns cited across a number of key themes.

These key themes included:

- lack of fairness and equity,
- negative impact upon child development and progress,
- reduced opportunity for children with SEND to be fully included in childcare settings, reduced access to childcare provision,
- added costs later on if not investing at the earliest stage,
- negative impact upon parent/carer ability to take up work,
- parent/carer wellbeing and financial stability as a result of decrease in hours worked or additional costs if working beyond the statutory childcare hours.

Further information on the consultation findings related to the Access Fund can be found in the full consultation report [www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)

2.1.1 Proposals for the Access Fund - a number of different proposed options have been developed for consideration by members, based on the feedback we received during the consultation. See the table below. The preferred option is option 5 because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

Option	Proposal	Benefit	Risks/impact
1	Statutory only provision - limit additional support to a statutory number of hours (15 or 30).	Initial saving to the Council.  Meets basic legal requirements.	<ul style="list-style-type: none"> <li>• Potential for a negative impact on the opportunities for those children with SEN and/or disability to enjoy the same opportunities as their non-disabled peers to access local childcare and fulfil their opportunities to be involved in their own communities. (Impact on early intervention and prevention – maximising independence.)</li> <li>• Parents of children with SEN and/or disability are more likely to live in poverty than other families and therefore access to good quality childcare is an essential support. Reducing to statutory only would impact on access to this.</li> <li>• Reducing to statutory hours would mean parents funding the additional costs of childcare themselves. This would be largely unaffordable for many parents therefore having a negative impact on parents' ability to access employment – particularly full time employment.</li> <li>• The potential for legal challenge in regard to disability discrimination</li> </ul>
2	Capped budget covering statutory and non-statutory.  This would mean the Council setting a budget that is fixed and allocated on a first come first service basis. Once the budget was spent there would be a waiting list.	Controllable budget.	<p>Potential for legal challenge is likely to be greater.</p> <p>Would be inequitable and would not prioritise those with most need.</p> <p>There is also a risk that this wouldn't meet the change in needs of SEND children.</p>
3	Make the access fund available across statutory and none statutory hours (pre school and school aged) but reduce level of additionality all ages i.e. tightening criteria.	Would reduce spend.	Criteria are already relatively tight and this may discriminate against those with higher needs.
4	Develop/create Support Specialist Nurseries.	Specialist resources centred in a smaller number of sites would provide areas of expertise. Some limited savings are possible.	<ul style="list-style-type: none"> <li>• Would not meet legal requirements for parental choice.</li> <li>• Would limit inclusion in local community resources for children with SEN and/or disability.</li> <li>• Would be at odds with the emphasis on children attending mainstream school and potentially set up a pathway into longer term segregated services.</li> </ul>
5	Review a range of existing capacity and services to	Brings together a set of related	<ul style="list-style-type: none"> <li>• Project capacity required to undertake this activity.</li> </ul>

	<p>develop a model of specialist outreach support as part of the early help offer. <b>(preferred option)</b> This would include</p> <ul style="list-style-type: none"> <li>• Benchmarking of current costs.</li> <li>• Development of a strategic plan to develop an early years outreach team that can proactively build capacity within settings and monitor practice.</li> <li>• Collaboration with neighbouring authorities to establish protocols around allocation of access fund.</li> </ul>	<p>interventions to create a more holistic and effective approach that impacts positively to maximise independence and support improving outcomes for children. This may reduce future dependence on the access fund.</p>	<ul style="list-style-type: none"> <li>• The medium term financial plan requires savings in this area of in excess of £523k. Savings may need to be identified elsewhere and if there are knock on implications these will be reported to Cabinet.</li> </ul>
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If option 5 is approved, an immediate piece of work would be to scope in more detail the project and implications.

## 2.2 Home to School transport for children with Special Educational Needs and/or disability

### **Background and context**

Home to school transport for both mainstream provision and provision for those with SEN and/or disability was part of one consultation exercise. Due to the outcomes of the consultation and the nature of proposals following this, separate reports are being presented on this cabinet agenda.

The current Kirklees Home to School Transport policy, which can be found at <https://www.kirklees.gov.uk/beta/schools/pdf/home-to-school-transport.pdf>, provides a local interpretation of the statutory duties placed on the Council by the relevant Acts. For further information related to this legislation, see appendix B.

Custom and practise within Kirklees has meant a number of deviations from the policy have been introduced over the years which have meant that Kirklees currently go beyond the stated level of provision within its own policy and the national statutory guidance. This has meant that some children who are not eligible as defined by the relevant legislation have been receiving free transport provision.

In recent years the Home to School Transport revenue budget has overspent on average by £1.3m per annum. A budget proposal to reduce this overspend by £600k per annum has proven to be undeliverable.

The current interpretation of the policy has encouraged a default position where by the Council has been providing transport based around a taxi or minibus in many situations beyond what the law requires.

The effect of this is not only on the Councils budget but it also limits the options for independent or supported transport therefore potentially creating a longer term dependence on statutory services and limits future options for employment or alternatives to social care. This is at odds with the councils stated intention to support maximising independence.

The consultation proposed to take the Council back to a statutory only provision based around the definitions of eligible children contained within the relevant legislation. This would enable the Council to set a Home to School Transport revenue budget based on its statutory duties and make transport decisions in an open and transparent way. If decisions to go beyond statutory provision were then subsequently taken, this would be fully evidenced and appropriate budgets identified outside the Home to School Transport budget.

An Independent Travel Training team (ITT) has been part of the Home to School Transport team for the past year. The independent travel trainers work with eligible children that are of compulsory school age and young people who are aged 16 and above with a recognised learning difficulty or disability attending sixth form or college. Those who take part in this scheme, learn to make specific journeys independently, be that a walking route or using public transport. To date the ITT has achieved very positive results, with over 50 children now traveling independently.

### **Summary of the outcomes of the statutory consultation**

There were 543 survey responses, of which 306 (57%) were from a person who either received free home to school transport or had a family member that did – this could have been either non SEN or SEN provision.

29% (160) were from young people with SEN or a disability or a parent/carer with a child with SEN or a disability or a parent/carer with a disability that impacted on them taking their child to school.

The consultation findings go alongside intelligence gathered from other engagement activities with service users and stakeholders. The general outcome of the overall engagement is to move to a more enabling model.

Further information on the consultation findings related to the proposals on Home to School transport can be found in the full consultation reports;

[www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)

[www.kirklees.gov.uk/SchoolTransportSurvey](http://www.kirklees.gov.uk/SchoolTransportSurvey)

Proposal for Home to School Transport for children with SEN and/or disability - we are seeking member approval on proposals to update and separate out the current Home to School Transport policy into two separate policies;

- mainstream Home to School Transport policy.
- SEN and/or disability specific Home to School Transport policy.

Separately, subject to member approvals of the above, there will be a need to review the post 16 Home to School Transport Policy to ensure that it aligns with the policy for statutory school age children (5-16yrs).

It should be noted that broader changes to the SEND Home to School policy will need to await the outcome of the current review of national statutory guidance by the Department for Education which may change or clarify the duties placed on local authorities.

There will also be a need to consider the impact of any of the proposed policy changes on families whom may be affected by other proposals detailed in this report.

In addition to the above, member approval is also sought on a proposal to create a Travel Assessment Unit that would sit outside the existing Home to School Transport and SENACT

teams, leaving these teams to concentrate on transport logistics and Education Health Care plans respectively. This unit will be effective from September 2018.

It is proposed that a greater emphasis is placed on identifying and training pupils with SEN and/or a disability that may benefit from independent travel training (ITT).

It is acknowledged that the needs of a number of children with SEN and/or a disability may be such that they cannot benefit from ITT in either the short, medium or long term. However, it is likely that a significant number of children with less complex needs could benefit from ITT for all or part of their school life, which would bring an important life skill for these children.

Our current ITT offer happens at high school and due to parental expectations is sometimes difficult to introduce. It is our intention in the New Year to work much more collaboratively with Head Teachers and families on this offer to consider how we extend the age range that we work with.

This new unit would assess the ability of eligible children to take part and benefit from ITT or other methods of travelling to and from school. It would consider whether other measures, potentially non – transport related, could be introduced which would support and benefit the child and/or family, whilst also reducing the reliance on home to school transport if possible. This would be a whole family approach to addressing the statutory duties around home to school transport. An immediate piece of work, subject to approvals, would be to determine the investment required to create this unit and to further clarify the impact.

If successful, more children would potentially be travel trained, which is a skill for life, whilst ensuring that the provision of a taxi / minibus would usually be the last method of transport considered. This would still be available for those children assessed as requiring the provision but it would not be the usual default starting position. This is already reflected in the existing Home to School Transport policy but would be rigorously and consistently assessed before such provision was provided.

Children and families who do not qualify for support may still benefit from an assessment to support them in getting their own child to school. This new arrangement may cause an initial budget pressure as additional resources such as more independent travel trainers and behavioural support workers will be required but the intention is that this will gradually be self-financing due to the savings that could be achieved through greater use of ITT and other transport measures. In effect the council would be investing in children and young peoples' independence rather than creating longer term dependence on statutory and non-statutory services into adulthood.

In summary, a clearer application of the current policy alongside the new Travel Assessment Unit will lead to clarity about the real baseline costs of the statutory Home to School Transport provision.

### 2.3 Social Care Transport for disabled children, working age adults and older people

#### **Background and context**

The provision of transport is only considered in relation to individuals who have been assessed as eligible for services and/or support from Social Care. Social Care is changing and Kirklees Council is developing modern, flexible approaches to adult social care that will support people and their carers to remain independent, enabling them to lead fulfilling lives.

This includes seeking to ensure that as many people live and travel as independently and safely as possible within their own communities. Travel is an important aspect of everyday life which should be achievable, where possible, independently. The benefits of being able to travel independently extend beyond attendance at formal social care services.

The promotion of commonly available transport options needs to be encouraged to promote independence, e.g. public transport, people using their own vehicles, walking and mobilising with the use of aids, either independently or with support and concessionary travel.

A person's assessment and annual review will focus on the 'assets or strengths' of a person and will identify their potential to learn road safety and orientation skills so they can travel safely and independently to and from community activities and arrangements will need to be made to ensure support is provided.

Individuals with disabilities may qualify for a range of schemes or benefits designed to support with travel, these include help with leasing a vehicle (Motability Scheme), parking (Blue Badge Scheme), or offering free or discounted travel on trains and buses. Individuals that are eligible can claim benefits via DLA or PIP if they need help to get around. The current weekly payments are £22 (lower rate) £58 (higher rate). Individuals that are eligible to receive the higher rate can use this benefit to lease a vehicle via the Motability Scheme. Currently over 640,000 people in the UK, use the Motability Scheme.

The provision of transport is subject to a charge under Kirklees Council's Social Care Charging Policy. The current charge for example for transport to Day Services is £1.95, each way, per person, per journey.

This policy may be reviewed from time to time and changes may affect the charge which will be made for the provision of transport. Currently the charges made do not fully reflect the cost of the service provided and is subsidised by the Council. Notification of any changes will be sent to all individuals who receive supported transport.

### **Summary of the outcomes of the statutory consultation**

In response to the question asked in the consultation questionnaire about proposal in the future to look at assessing individuals and their families on a case-by-case basis, so that the council would not necessarily fund transportation if a family is able to make their own arrangements for the transportation themselves; 35% of all respondents felt positive and 48% felt negative about this idea.

Those that were positive about the idea gave reasons including it feeling like a fairer approach and a good compromise given the need to reduce costs. Some felt that the parents should take greater responsibility and that this idea would encourage that, while others noted the change to assessment should ensure that those most in need will receive support.

Those against the proposal noted that individual assessments would increase workloads and therefore costs, or may introduce inconsistencies. Some felt that any reduction in the service was a bad thing, while others were concerned about increased stress and pressure on families to provide transport. Some noted that there may be an impact on time spent with other family members, if more time had to be spent on transportation. Many felt they would be unable to provide transport themselves due to not driving, other commitments or the physical and mental challenges involved in transporting disabled family members. Some commented that their child's social interaction and independence may be compromised if they lost social care transport



Key themes included;

- Potential for greater stress on the family and for the disabled family member.
- Some felt choices would be limited and social interaction may decrease.

Further information on the consultation findings related to the proposals on Social Care transport can be found in the full consultation report [www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)

2.3.1 Proposals for Social Care Transport for disabled children, working age adults and older people - a number of different proposed options have been developed for consideration by members, based on the feedback we received during the consultation. See the table below. The preferred options are a combination of options 3 and 4 because it allows us to take account the whole of an individuals and their family circumstances.

Option	Proposal	Benefit	Risks/issues
1	Retain the status quo.	Will not create disruption for existing service users.	<ul style="list-style-type: none"> <li>• Is not in line with an approach which takes account of what people can do for themselves (“asset based approach”).</li> <li>• Does not support maximising independence and managing demand in social care.</li> <li>• The approach is inconsistent as some people using direct payments use their own assets for transport.</li> </ul>
2	Ensure (with immediate effect) that all reasonable means have been explored (including considering) before offering council funded transport. Assess new social care users and reassess existing individuals with a focus on being able to use or fund other means of transport. This includes use of Motability vehicle or funding own transport. See proposed ‘tier factor’ approach on Appendix C.	<ul style="list-style-type: none"> <li>• Encourages independent travel.</li> <li>• In line with proposed changes to the home to school transport policy.</li> <li>• Some savings would be achieved.</li> <li>• Consistent approach for all eligible individuals.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited capacity to undertake this number of reassessments.</li> <li>• Potential for negative financial impact on service users and their families of using mobility element of DLA/PIP.</li> <li>• Potential for negative impact on carers if Motability vehicle is used.</li> <li>• Will increase the need to review or assess carers needs.</li> </ul>
3 Preferred option- alongside option 4	As above - with immediate effect for new service users and <u>phased</u> over a longer period of time for <u>existing service users</u> , to coincide with their planned reviews.	As above.	As above – but will have a lesser impact on capacity to undertake reassessments.  Possible risk of legal challenge if existing users have benefit over new during transition period
4 Preferred option- alongside option 3 above	Consideration needs to be given to moving to a full cost recovery model and changing the charging approach. Further work is needed as we would need to understand the impact this would have on the maximum financial contributions people make.	Would reduce spend – offset costs.	Potential for negative financial impact on service users and their families.

	This option could be combined with any of the other options outlined above.		
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## Impact

All the options outline above, excluding option 1, would have the greatest impact on those attending adults day care. People not eligible for transport may be deterred from attending day care. A holistic assessment of need, would reduce the risk of this impact by taking into account the whole of the family circumstances including assets and need.

## 2.4 Short breaks for disabled children

### Background and context

This consultation forms part of the local authority's duty to annually review the short breaks statement. Currently the 2016/2017 Short Breaks Statement offers a range of breaks including access to community activities (grant funded in 2016/2017 to the tune of £90,000), Integrated Youth Support Services (IYSS), Orchard View and Young People's Activity Team (YPAT).

IYSS has been reviewed and the services they provided have been supported to continue in the voluntary and community sector. YPAT has a zero budget but from consultation earlier this year cabinet made the decision to continue the service for vulnerable children and officer undertakings have been made to develop the service. A number of the operational arrangements have been reviewed to reduce operating costs.

### Summary of the outcomes of the statutory consultation

Out of the 267 responses in total, 55 of the respondents utilise short breaks provided via the council or community and voluntary sector.

From the figures and comments collected it is evident that people use a mix of short breaks on offer;

- day-time care at home,
- day-time care elsewhere,
- overnight care at home,
- overnight care elsewhere,
- educational or leisure activities away from home,
- evening or weekend support and/or
- support in the school holidays.

A sizable majority of respondents who use the services said they were extremely useful. 56% of the respondents who use the service said they would rather make a contribution than lose the service they use.

From comments it is evident the families who responded felt they did not always know what services are available to them, as we do not know the respondents eligibility this could have skewed the response. To mitigate this we need to ensure the short breaks statement and eligibility is well publicised amongst the community of interest.

Results from the respondents tells us that the services provided enable families to 'recharge their batteries' and that short breaks are essential to enable carers to maintain employment but some felt that the hours were restricted and transporting a family member with complex needs could also restrict their access to short breaks.

When asked if the short breaks are missing anything respondents comments evidences that they would value more after school and holiday provision. Comments also included the need to be able to plan, for example, certainty over funding and also not having planned nights cancelled because of emergency stays being provided at Orchard View. There is a lack of sufficiency for emergency placements in Kirklees so often when families go into crisis due to extreme behaviours Orchard View is used, this inevitably leads to planned stays being cancelled. As an authority we need to consider sufficiency for emergency placements so that planned respite is not disrupted.

Some respondents also felt that the number of allocated nights short breaks were not enough, we need to ensure families are aware of short break legislation and of the allocation process. One respondent also expressed concern that there was not a good enough spread of schemes available across Kirklees and that transport was an issue.

Further work is needed to look at the support that Community Plus and schools could provide in commissioning voluntary sector short breaks for families and activities for young disabled people.

Further information on the consultation findings related to short breaks can be found in the full consultation report; <http://www.kirklees.gov.uk/SupportTransportDisability>

### **Proposal for short breaks for disabled children**

To comply with guidance we need to refresh the short breaks statement for 2017/2018 ensuring we continue to provide the services that are valued by our community. The proposed way forward of travel is that we need to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

We need to work with colleagues in Community Plus to develop a sustainable range of services provided by the voluntary and community sector that will enable young people to achieve positive outcomes whilst giving families a break from their caring role

## **3. Implications for the Council**

### **3.1 Early Intervention and Prevention (EIP)**

Maximising independence for children, working age adults with disabilities and older people is at the heart of the proposals. By supporting people with travel training and investing in independence in the early years the use of the access fund, the council will not only improve outcomes but reduce dependence on and demand for social care.

### **3.2 Economic Resilience (ER)**

The proposals recognise the vital part that economic resilience plays in the independence of families. The access fund recommended option and the approach to short breaks, invests in families maintaining employment. Where a potential impact on families exists in the recommendation regarding social care and home to school transport a more holistic approach to families and assessment of the needs of carers will be mitigating actions.

### **3.3 Improving Outcomes for Children**

Investing in early years, independent travel training and short breaks in a more holistic and person centred way will have clear benefits to outcomes for children and young people that last into adulthood.

### 3.4 Reducing demand on services

Ensuring an asset based approach to assessment, while supporting people to be as independent as possible is the best way of reducing demand on services.

### 3.5 Other (e.g. Legal/Financial or Human Resources)

These proposals are all focussed on helping people be as independent as possible. What is outlined above forms a clear strategy that is aligned with the councils vision and firmly anchored in 7 Kirklees outcomes. The proposals invest in the most vulnerable in society while using the Council's resources in the most effective way.

The Equality Act 2010 creates the Public Sector Equality Duty (PSED).

Under section 149 of the Act

- 1) A public authority must, in the exercise of its functions, have due regard to the need to –
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are –

age;  
disability;  
gender reassignment;  
pregnancy and maternity;  
race;  
religion or belief;  
sex;  
sexual orientation.

In order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

The Council has therefore carried out Equality Impact Assessments (EIAs) to help it take due regard of its public sector equality duties in relation to these proposals. These can be found in the All Age Disability section of the Council's website using <http://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactassessments.asp>.

Key findings of the EIAs are outlined below.

#### Access fund

The Stage 1 assessment has shown that there will be an overall positive "Impact" and "Risk" score for this area. In particular the assessment demonstrates a positive impact for Age and Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be positive in terms of impact for existing service users and all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

## Home to School transport for those with SEN and/or disabled children

The Stage 1 assessment has shown that there will be a negative “Impact” and a positive “Risk” score for this area. For all Protected Characteristic Groups the assessment of impact was neutral. In particular the assessment demonstrates a negative impact for Age and Disability in terms of the Protected Characteristic Groups.

A Stage 2 assessment has been completed which outlines the results of consultations undertaken and the required actions to be taken forward as a result.

## Social Care transport for disabled children, working age adults and older people

The Stage 1 assessment has shown that there will be a neutral “Impact” and a positive “Risk” score for this area. For all Protected Characteristic Groups the assessment of impact was neutral.

A Stage 2 assessment has been completed which outlines the results of consultations undertaken and the required actions to be taken forward as a result.

## Short breaks for disabled children

The Stage 1 assessment has shown that there will be a neutral “Impact” and a positive “Risk” score for this area. In particular the assessment demonstrates a positive impact for Disability in terms of the Protected Characteristic Groups; the changes were also deemed to be positive in terms of impact for all residents across Kirklees. For all other Protected Characteristic Groups the assessment of impact was neutral.

## **4. Consultees and their opinions**

A public consultation was undertaken for what was just over a 7 week period, between the 4 September and 22 October 2017. There was a separate questionnaire for Home to School Transport but both consultations were promoted together as some families could be affected by proposals in each consultation. The questionnaires and the consultation report detailing the findings from this consultation can be found on the Kirklees Involve website:

[www.kirklees.gov.uk/SchoolTransportSurvey](http://www.kirklees.gov.uk/SchoolTransportSurvey)

[www.kirklees.gov.uk/SupportTransportDisability](http://www.kirklees.gov.uk/SupportTransportDisability)

Methodology – A number of consultation methods were used including public drop in sessions, an online questionnaire, hard copy/paper versions of the questionnaire, which included an easy read version.

See appendix D for additional information related to the consultation.

## **5. Next steps**

Subject to decisions made by Cabinet, officers will commence the work required to implement the proposed changes approved.

Immediate work will be required to determine the investment strategy for capacity building in the access fund and the home to school transport.

## **6. Officer recommendations and reasons**

That in relation to the:

**6.1 Access fund** – members agree option 5 as set out in paragraph 2.1.1 above; Invest in specialist outreach support as part of the early help offer. Work to commence on determining the investment strategy for capacity building in the access fund is carried out. This is because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

### **6.2 Home to School transport for children with Special Educational Needs and/or disability;**

- to update and separate out the current Home to School Transport policy into two separate policies (as recommended in the other report on the agenda relating to non SEN home to school transport) and come back to Cabinet with their proposals on both in due course;
- to review the post 16 Home to School Transport policy and to come back to Cabinet with their proposals in due course this year: and
- commence the work to plan the creation of a separate Travel Assessment Unit as described in this report.

**6.3 Social Care transport for disabled children, working age adults and older people** – members agree to implement a combination of option 3 and option 4 as set out in the table at paragraph 2.3.1 of this report - Ensure (with immediate effect) that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs. The adoption of a phased approach to the implementation of this for existing service users. Consideration to be given to working towards a full cost recovery model. That authority to progress this be given to the Strategic Director – Adults to implement this.

**6.4 Short breaks for disabled children** – to approve the proposed way forwards as set out in the report, so therefore to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

## **7. Cabinet portfolio holder's recommendations**

That in relation to the:

**7.1 Access fund** – option 5 be agreed as set out in the officer recommendations; Invest in specialist outreach support as part of the early help offer. Work to commence on determining the investment strategy for capacity building in the access fund is carried out. This is because it invests in the independence of children, economic resilience of their parents and provides better outcomes for children and families in the medium and longer term.

### **7.2 Home to School transport for children with Special Educational Needs and/or disability**

- to update and separate out the current Home to School Transport policy into two separate policies (as recommended in the other report on the agenda relating to non SEN home to school transport) and come back to Cabinet with their proposals on both in due course;
- to review the post 16 Home to School Transport policy and to come back to Cabinet with their proposals in due course this year: and
- commence the work to explore the creation of a separate Travel Assessment Unit as described in this report.

**7.3 Social Care transport for disabled children, working age adults and older people** – implement a combination of option 3 and option 4 as set out in paragraph 2.3.1 of the report - Ensure (with immediate effect) that all reasonable means have been explored before offering council funded transport to new service users with eligible social care needs. The adoption of a phased approach to the implementation of this for existing service users. Consideration to be given to working towards a full cost recovery model. That authority to progress this be given to the Strategic Director – Adults to implement this.

**7.4 Short breaks for disabled children** – to approve the proposed way forwards as set out in the report, so therefore to continue with overnight short breaks, further develop after school services and provision for breaks provided in the community.

## **8. Contact officers**

Sue Richards, Service Director - Integration

Jo-Anne Sanders, Service Director - Learning and Support

Joanne Bartholomew, Service Director - Commercial, Regulatory and Operational Services

## **9. Background Papers and History of Decisions**

Cabinet approval received to undertake a public Consultation about services for children and families, including people with disabilities – approved 22 August 2017

<http://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=139&MId=5267&Ver=4>

## **10. Service Directors responsible**

Sue Richards, Service Director – Integration

Jo-Anne Sanders, Service Director – Learning and Support

Joanne Bartholomew, Service Director – Commercial, Regulatory and Operational Services

## Appendix A – Additional information related to Access Funding

From April 2017 under the governments early years funding consultation response, 'all local authorities are required to establish a SEND Inclusion Fund for 3 & 4 year olds whose parents/carers are taking up their free early entitlement. The purpose of this fund is to support local authorities to work with providers to establish the needs of individual children with SEN. This structure will also support local authorities to undertake their responsibilities to strategically commission SEN services as required under the Children and Families Act 2014'.

In essence, this is the equivalent to Access Fund however the new requirement to extend this to maintained settings means that additional funding will be required in order for the local authority to fulfil its statutory duties.

In addition, the element of Access Fund required for school aged children needs to be considered alongside any increased costs in terms of ensuring accessible childcare for those affected as a result of changes to the provision of short breaks for working parents/carers.

### **Parliamentary inquiry into childcare for disabled children (2014): Key statistics**

- It costs up to 3 times as much to raise a disabled child, as it does to raise a child without disabilities (*Department for work and Pensions (2013) Households Below Average Income; an analysis of income distribution 1994/5-2011/12*)
- Families of disabled children are 2.5 times more likely to have no parent working for more than 16 hours per week. Only 16% of mothers with disabled children work compared to 61% of all mothers. (*EDCM (2006) Between a rock and a hard place*)
- Parent carers reported paying between £12-14 per hour for childcare, whilst others pay up to £20 per hour. This compares to the national average of around £3.50-4.50 per hour (*ECDM and Family Fund (2011) Breaking Down Barriers, Department for Education (2011); Qualitative research into families' experiences and behaviours in the Childcare Affordability Pilots (CAP09): Disabled Children's Pilot; Daycare Trust (2011), Childcare Costs Survey 2010*)

### **Joseph Rowntree Foundation:**

'Once account is taken of the higher costs faced by those who are disabled, half of people living in poverty are either themselves disabled or are living with a disabled person in their household' 'Of those people in poverty, 45% are not in a working family. This 45% is made up of pensioners (12%); families with disabled members (17%); lone parent families (6%); and 11% in other circumstances, such as workless single adults'

Quoted in **Routes Out of Poverty: A research review:**

<http://eprints.whiterose.ac.uk/73260/1/Document.pdf>

'For people of working age, an increase in labour earnings – either for the head of household or partner – was the main event associated with an exit from poverty.' [1991 to 1999] (Jenkins and Rigg, 2001).

'Second-earners can make an important difference in helping households to escape from poverty.' (Jenkins and Rigg, 2001).

Quoted in **Routes Out of Poverty: A research review:**

<http://eprints.whiterose.ac.uk/73260/1/Document.pdf>

Ability to work and play one's part in society has a positive impact upon parent/carer mental health. There is a wide variety of evidence to show that children who live in poverty are exposed to a range of risks that can have a serious impact on their mental health, including debt, poor housing, and low income (*Poor Mental Health: The Links Between Child Poverty and Mental Health Problems. The Children's society, March 2016*)



## Appendix B – Additional information related to Home to School Transport

### Home to School Transport Legislation

The Education Act 1996 Sections 508B and 508C place a statutory duty on local authorities to ensure that suitable travel arrangements are made, where necessary, to facilitate a child's attendance at school. These provisions apply to home to school travel arrangements and vice versa but do not cover travel between educational institutions during the school day.

Section 508D of the Act places a duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children as defined by Schedule 35B of the Act (which was inserted by Part 6 of the Education and Inspections Act 2006). Eligible children are those categories of children of compulsory school age (5-16) in the authority's area for whom free travel arrangements will be required.

Local authorities are required to:

- Provide free transport for all pupils of compulsory school age (5-16) if their nearest suitable school (which means nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child and any Special Educational Needs (SEN) that the child may have) is beyond two miles (if below the age of 8) or beyond 3 miles (if aged between 8 and 16);
- Make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their Special Educational Needs (SEN) or disability. Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual transport requirements (e.g. the statutory walking distances) should not be considered when assessing the transport needs of children eligible due to SEN and/or disability;

## Appendix C – Additional information related to Home to School Transport

### Social Care Transport – Tier factor

#### Proposed factors to be considered before providing council funded transport to access social care

- A. Person is able to walk or use assisted mobility either independently or with support from family, friends, support worker or volunteer
- B. Person can use public or voluntary transport, either independently or with support
- C. Person is able to be travel trained to access support
- D. Person has a private car, including a car leased through the Motability scheme. NB: Where a person uses their own vehicle or Motability car, no petrol costs or other expenses will be considered.
- E. Person receives the lower or higher rate mobility element of DLA or PIP, they will be required to fully utilise the benefit to support their transport needs to and from community activities.

## Appendix D- further information related to the consultation approach/methodology

Who did we talk to?	How?	When?	Method?
Parents/carers of school age children and schools	Article in the Schools as community hubs newsletter	5 Sept 2017	Newsletter
	Information circulated to Schools PSE Network	7 Sept 2017	E-marketing
	Article in the school governors and head teachers newsletter	8 Sept 2017	Newsletter
	Article in HeadsUP! (schools e-newsletter)	21 Sept & 11 Oct 2017	E-marketing
	Letters sent to parents and carers of pupils with special educational needs (approx. 850)	21 Sept 2017	Letters
	Letters sent to parents and carers of bus pass holders (approx. 1500)	21 Sept 2017	Letters
	Letters sent to all school escorts and operators	21 Sept 2017	Letters
	Information presented at the Schools as community hubs leaders network	21 Sept 2017	Meeting
	Posters circulated to the Schools as community hubs network	21 Sept 2017	'Point of sale' and Display advertising
	Article in Nexus News	21 Sept 2017	Online
	Letters sent to head teachers	22 Sept 2017	Letters
	Drop in session at Royds Hall Community Schools	22 Sept 2017	Drop in Sessions at Mainstream Schools with specialist provision
	Information circulated on the Schools as community hubs twitter	Sept 2017	Social Media
	Information included in the schools admissions guide for parents (primary and secondary)	Sept 2017	Parent guide
	Drop in session at Newsome High School	3 Oct 2017	Drop in Sessions at Mainstream Schools with specialist provision
	Drop in session at Southgate School	11 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Woodley School	12 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Fairfield School	13 Oct 2017	Drop in sessions at Special Schools
	Drop in session at Joseph Norton Academy	17 Oct 2017	Drop in sessions at Special Schools

Parents/carers of school age children and schools	Drop in session at Honley High School	19 Oct 2017	Drop in Sessions at Mainstream Schools with specialist provision
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Who did we talk to?	How?	When?	Method?
Parents/carers of children and young people with a disability and provider services (early years)	Information emailed to EYSENCoNet members	5 Sept 2017	Email
	Information emailed to SENACT members	5 Sept 2017	Email
	Information emailed to the Pre-school Learning Alliance (PLA) network	5 Sept 2017	Email
	Information emailed to National Day Nurseries Association (NDNA) Chair and NDNA providers	5 Sept 2017	Email
	Information emailed to all childminders within Kirklees	5 Sept 2017	Email
	Information emailed to PVI managers network	5 Sept & 22 Sept 2017	Email
	Information emailed to SENCoNet members	6 Sept 2017	Email
	Information included to family information service introductory letter for parents requesting childcare	18 Sept 2017	Letter
	Information posts on Families in Kirklees Facebook	19 Sept 2017	Social Media
	Information included on the Kirklees online childcare search page	19 Sept 2017	Online
	Information and flyer shared with all childcare group settings, including: <ul style="list-style-type: none"> <li>• Day nurseries</li> <li>• Pre-schools and playgroups</li> <li>• Out of school clubs</li> <li>• Childminders</li> </ul>	22 Sept 2017	Email 'Point of sale' and Display advertising
	Letters sent to parents/carers who are supported by the Access Fund	25 Sept 2017	Letter
	Article in the bulletin to all childcare providers	3 Oct 2017	Newsletter
	Information presented at the EYSENCoNet meeting	3 Oct 2017	Meeting
Parents/carers of children and young people with a disability and provider services (early years)	Information presented at the SENCoNet professional network meeting	17 Oct 2017	Meeting

Who did we talk to?	How?	When?	Method?
Children, young people and adults with a disability, their parents/carers and provider services (social care)	Information emailed to carers services, including: <ul style="list-style-type: none"> <li>• Carers Count</li> <li>• St Anne's</li> <li>• Making Space</li> <li>• Kirkwood Hospice</li> <li>• Looking After Me</li> <li>• Care Navigation (Carers Workers)</li> <li>• Learning Disability Voice</li> <li>• Support to Recovery</li> <li>• South West Yorkshire Primary Foundation Trust (SWYPFT)</li> </ul>	5 Sept 2017	Email
	Information emailed to the Carers Strategy Groups	5 Sept 2017	Email
	Information emailed to the Blind and Low Vision Group	5 Sept 2017	Email
	Information emailed to the Deaf and Hard of Hearing Group	5 Sept 2017	Email
	Information shared with contracted providers of older peoples (OP) services	5 Sept 2017 & 27 Sept 2017	Email
	Information shared with contracted providers of learning disability (LD) and physical disability (PD) services	5 Sept 2017 & 27 Sept 2017	Email
	Letters sent to parents/carers who access inhouse AAD provider services	8 Sept 2017	Letter
	Information shared with the Howlands Centre	11 Sept 2017	Email
	Information shared with the MS Society	11 Sept 2017	Email
	Information shared with Carers Count	11 Sept 2017	Email
	Information presented at the LD Partnership Board Carers Sub Group	12 Sept 2017	Meeting
Children, young people and adults with a disability, their parents/carers and provider services (social care)	Targeted drop in sessions run by Parents of Children with Additional Needs (PCAN) in Huddersfield	12 Sept, 6 Oct & 16 Oct 2017	Drop in
	Easy read questionnaires were circulated to inhouse AAD provider services	14 Sept 2017	Email

	Information emailed to parents/carers included on the Additional Needs Register (who opted for contact via email)	14 Sept 2017	Email
	Information shared with contracted providers of generic adult social care services	21 Sept 2017	Email
	Information emailed to individuals who have expressed an interest in being contacted with regards to wellbeing consultations	22 Sept 2017	Email
	Update provided at LD Partnership Board meeting	25 Sept 2017	Meeting
	Information presented at the LD Partnership Board	25 Sept 2017	Meeting
	Targeted drop in sessions run by Parents of Children with Additional Needs (PCAN) in Dewsbury	26 Sept & 17 Oct 2017	Drop in
	Information shared with contracted providers of mental health (MH) services	27 Sept 2017	Email
	Information shared with commissioners of children's AAD services	27 Sept & 2 Oct 2017	Email
	Information emailed to KIN/ Cloverleaf Advocacy	28 Sept 2017	Email
	Flyers sent to the Milen Centre	29 Sept 2017	'Point of sale' and Display advertising
	Information emailed to Shared Lives carers	Sept 2017	Email
	Information emailed out to Partnership Boards (OP, MH, LD, PD) members (adults)	Sept 2017	Email
	Information promoted by PCAN on their Facebook page	Sept 2017	Social Media
Children, young people and adults with a disability, their parents/carers and provider services (social care)	<p>Information shared with disabled children's charitable groups, including:</p> <ul style="list-style-type: none"> <li>• Huddersfield Down Syndrome Support Group (HDSSG)</li> <li>• Huddersfield Support Group for Autism (HSGA)</li> <li>• The whole autism family</li> <li>• Kirklees deaf children's society</li> <li>• North Kirklees autism support group</li> <li>• Action for Blind People</li> </ul>	2 Oct 2017	Email

	Letters sent to all direct payments users (children's and adults)	2 Oct 2017	Letter
	Information shared with contracted providers of children's short breaks	2 Oct-6 Oct 2017	Email
	Flyers sent to Age UK	2 Oct 2017	'Point of sale' and Display advertising
	Flyers sent to Action for Blind People	4 Oct 2017	'Point of sale' and Display advertising
	Questionnaires sent out to Shabang	5 Oct 2017	Questionnaires
	Targeted drop in session run by Parents of Children with Additional Needs (PCAN) in Mirfield	9 Oct 2017	Drop in
	Information presented at the Blind and Low Vision Group	10 Oct 2017	Meeting
	Information shared with community short breaks providers	Oct 2017	Email
	Involvement sessions held with disabled children and young people at: <ul style="list-style-type: none"> <li>• Sports Work</li> <li>• Rising Stars</li> </ul>	Oct 2017	Young people involvement
<b>Who did we talk to?</b>	<b>How?</b>	<b>When?</b>	<b>Method?</b>
Members of the public	Public Cabinet Meeting	22 Aug 2017	Meeting
	Details of the consultations available on Involve (the council's online consultation and engagement system)	4 Sept 2017	Online
	Article online on Kirklees Together	8 Sept 2017	Online
	Press release & news stories in Huddersfield Examiner	9 Sept, 16 Oct & 19 Oct 2017	Press
	Drop in session at Dewsbury Customer Service Centre	20 Sept 2017	Drop in
	Drop in session at Huddersfield Customer Service Centre	21 Sept 2017	Drop in
	Drop in session at Huddersfield Town Hall	26 Sept 2017	Drop in
	Drop in session at Dewsbury Town Hall	28 Sept 2017	Drop in
	Information posted on Facebook	Sept-Oct 2017	Social Media
	Information posted on Twitter	Sept-Oct 2017	Social Media
	Information shared on Media Screens in Customer Service	Sept-Oct 2017	'Point of sale' and Display advertising

	Centres		
	Flyers available in Customer Service Centres	Sept-Oct 2017	'Point of sale' and Display advertising
	Flyers available in Libraries	Sept-Oct 2017	'Point of sale' and Display advertising
	North Kirklees targeted posted on Facebook	Oct 2017	Social Media
<b>Who did we talk to?</b>	<b>How?</b>	<b>When?</b>	<b>Method?</b>
Council staff and networks	FAQ information shared with managers across adult social care, all age disability services, customer service units, customer service centres, early intervention and prevention	8 Sept 2017	Email
	FAQ information shared with inhouse AAD provider services	8 Sept 2017	Email
	Information shared with Faith and Community Integration network	11 Sept & 17 Oct 2017	Email
	Information shared with Area and Neighbourhood Action Co-ordinators	19 Sept 2017	Email
	Information presented at Huddersfield Customer Services Centre Team	21 Sept 2017	Meeting
	Regular Head of Service update to all age disability staff	Sept 2017	Email
	Information shared with managers across adult social care and all age disability services	Sept 2017	Email
	Information and flyers shared with managers in community plus and early help	29 Sept 2017	Email 'Point of sale' and Display advertising
	Information shared with targeted youth support staff	Oct 2017	Email
	Information shared with Kirklees Youth Councillors (approx. 76)	Oct 2017	Email

<b>Who did we talk to?</b>	<b>How?</b>	<b>When?</b>	<b>Method?</b>
Councillors	Regular updates presented at Portfolio Holders Briefings	Sept-Oct 2017	Meeting
	Information regarding and invited to the drop in sessions	14 Sept 2017	Email
	Information shared on the online blog available for all councillors	14 Sept 2017	Online
	Information shared with Parish Councils	12 Oct 2017	Email



<b>Who did we talk to?</b>	<b>How?</b>	<b>When?</b>	<b>Method?</b>
Other partners, community groups and charities	Information and flyer shared with Healthwatch networks	4 Sept & 4 Oct 2017	Email 'Point of sale' and Display advertising
	Information shared with Kirklees College	5 Sept 2017	Email
	Information emailed to C&K Careers	5 Sept 2017	Email
	Article in the Volunteering Kirklees Newsletter	5 Sept 2017	Newsletter
	Article in the Third Sector Leaders newsletter	5 Sept 2017	Newsletter
	Information shared with Home Start	5 Sept 2017	Email
	Information shared with Health colleagues	5 Sept, 2 Oct & 10 Oct 2017	Email
	Information presented at the Health Champions Meeting	21 Sept 2017	Meeting
	Article in the Getting Involved e-newsletter	17 Oct 2017	Newsletter