

## NOTICE OF MEETING

<b>Meeting</b>	Children and Young People Select Committee
<b>Date and Time</b>	Monday 17th October 2022 at 2.00pm
<b>Place</b>	Ashburton Hall, Ell Court, Winchester
<b>Enquiries to</b>	members.services@hants.gov.uk

Carolyn Williamson FCPFA  
Chief Executive  
The Castle, Winchester SO23 8UJ

## FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website and available for repeat viewing, it may also be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. Please see the Filming Protocol available on the County Council's website.

## AGENDA

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

### 3. MINUTES OF PREVIOUS MEETING (Pages 5 - 10)

To confirm the minutes of the previous meeting

**4. DEPUTATIONS**

To receive any deputations notified under Standing Order 12.

**5. CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

**6. OUTCOMES FROM THE CONSULTATION ON SOCIAL CARE PROVISION FOR OVERNIGHT SHORT BREAKS AT FIRVALE RESIDENTIAL RESPITE CHILDREN (Pages 11 - 62)**

To consider a report from the Director of Children's Services for pre-scrutiny on the outcomes of both the public and staff consultations on the future of social care provision at Firvale Residential Respite Unit, ahead of the Executive Lead Member's Decision Day.

**7. SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) 0-25 UPDATE REPORT – SEN PERFORMANCE AND JOINT WORKING (Pages 63 - 98)**

To receive a report from the Director of Children's Services providing the annual update on progress against the Special Educational Needs and Disabilities (SEND) Reforms Implemented in 2014.

**8. ANNUAL COMPLAINTS REPORT (2021-22) AND SECTION 30 OMBUDSMAN REPORT (Pages 99 - 156)**

To receive a report from the Director of Children's Services providing an update on the operation and effectiveness of the Children's Services Department's complaints procedures and to submit the report issued by the Local Government and Social Care Ombudsman for formal consideration of the recommendations.

**9. WORK PROGRAMME (Pages 157 - 162)**

To consider and approve the Children and Young People Select Committee Work Programme.

**ABOUT THIS AGENDA:**

**On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.**

**ABOUT THIS MEETING:**

**The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require**

**wheelchair access, please contact [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk) for assistance.**

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

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# Public Document Pack Agenda Item 3

AT A MEETING of the Children and Young People Select Committee of  
HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Tuesday  
12th July 2022

Chairman:  
p Councillor Neville Penman

p Councillor Juliet Henderson	p Councillor Zoe Huggins
p Councillor Prad Bains	Councillor Gavin James
a Councillor Jackie Branson	p Councillor Lesley Meenaghan
p Councillor Ann Briggs	p Councillor Arun Mummalaneni
p Councillor Steven Broomfield	p Councillor Jackie Porter
p Councillor Tim Davies	p Councillor Jacky Tustain
p Councillor Christopher Donnelly	p Councillor Malcolm Wade
p Councillor David Drew	

## **Co-opted members**

p Robert Sanders, Church of England  
p Gemma Rainger, Primary Schools Parent Governor Representative  
p Kate Watson, Special Schools Parent Governor Representative

## **42. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Branson.

## **43. DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

Councillor Huggins noted that they were employed in the Post-16 sector.

## **44. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on the 17 May 2022 were confirmed as a correct record and signed by the Chairman.

45. **DEPUTATIONS**

The Committee did not receive any deputations.

46. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements to the meeting.

47. **UKRAINE & UNACCOMPANIED ASYLUM SEEKING CHILDREN - UPDATE**

The committee received an update from the Director of Children's Services on unaccompanied asylum seeking children (UASC) alongside an overview of families relocating to Hampshire from Ukraine (see Item 6 in the Minute Book).

Members received an overview of the National Transfer Scheme, which became mandatory for all Local Authorities in 2021. Hampshire's target is 199 children and has currently received 119. The average age of arrivals is 17, so the young people quickly become care leavers and no longer count towards the target number.

The committee noted that all children are considered to be trafficked until a social work assessment is completed. This is as a result of partnership working between the Multi Agency Safeguarding Hub, Willow (specialist exploitation team) and Children in Care teams.

The committee received an overview of the main challenges facing the department in this area, which included accessing education and placements often being outside of Hampshire. An overview of the nationalities of the UASC was noted alongside the support offered to those considered care leavers.

The committee then received a specific update on the Homes for Ukraine Scheme which local authorities are responsible for implementing, although they remain private arrangements. Members heard how lessons had been learned from the Afghan response which informed the planning of this scheme. The challenges of this scheme were highlighted, included the need to rematch when placements break down and the limited time available to create and implement what has become a complex process.

In response to questions, members found that:

- The department pursues all possible support when English is a second language to assist in accessing education etc.
- A significant number of UASC do not receive the right to remain within the UK.
- Hampshire has an Ethnic Minority and Traveller Achievement Service which supports children, families and schools with a range of services.
- Where possible, UASC are placed alongside peers in cohorts.
- There are significant risks surrounding the young people who do not receive the right to remain, many of who then abscond.
- There is close engagement with Prevent and the Channel Panel to work to prevent and identify radicalisation.

- There is an increasing number of UASC who are now care leavers, many of which are outside of Hampshire but remain the county's responsibility.
- In relation to Ukrainian refugees, schools have reported a positive experience and classrooms are being set up to be trauma informed.

**RECOMMENDATION:**

That the Children and Young People Select Committee note the update on Ukraine and the associated Unaccompanied Asylum Seeking Children.

**48. EDUCATION AND CHILDREN'S SOCIAL CARE POLICY**

With the agreement of the Chairman this item was deferred to a future meeting.

**49. POST 16 EDUCATION & SKILLS - AN UPDATE**

The committee received an update from the Director of Children's Services on Post 16 Education and Skills (see Item 8 in the Minute Book).

Members heard how the Hampshire Skills (Post 16) system was the largest single area further education system in the UK, noting that colleges are independent Corporations or Trusts, outside local authority regulation. There are currently 35,200 funded 16-19/25 places at Hampshire based providers, 977 of which are high needs and 89% in a further education college.

The committee noted that the LA had a duty to support transition, post 16 and participation in education, employment and training (EET). An overview of participation and attainment was provided, followed by an introduction to the new level 3 technical qualifications, T-levels. These had been developed with employers and have replaced other level 3 technical qualifications such as BTEC or OCR Nationals. Members noted the impact of the recent Skills & Post 16 Education Act.

In response to questions, members found that:

- Young people experiencing vulnerability such as living in relative poverty are provided additional support in relation to post 16 education and skills.
- Ofsted inspect the courses available for the cohort, rather than assessing the range or need of the courses available.
- There are difficulties in advertising opportunities, many of which are not voluntary roles or employment. 'Apprenticeship Hubs' have been created as an attempt to solve this issue.
- All available pathways should be shared with young people and the new T-levels should have the same weight placed upon them as other options.
- T-level placements are the responsibility of the college and they check them for safety and supervision.

**RECOMMENDATION:**

That the Children and Young People Select Committee note the contents of the report.

## 50. HOME TO SCHOOL TRANSPORT POLICY PUBLIC CONSULTATION OUTCOMES

The committee received a report from the Director of Children's Services setting out the outcomes of the recent Home to School Transport Policy Public Consultation (see Item 9 in the Minute Book).

Members noted that the Local Authority had a statutory duty to provide home to school transport to certain young people where they meet circumstances prescribed in legislation. The existing service provides daily transport for 9,000 children and young people every school day.

The committee heard that the proposed changes to the policy would allow for route planning and vehicle use to utilise efficiencies provided by increased use of collective pick-up points and multiple destinations. It was noted that there was not a statutory requirement for home to school transport to be a door to door service or to provide for individual establishments.

In order for the service to deliver savings as part of the Council's 2023 savings programme, permission to consult with the public and affected service users was provided in January 2022. The public's views on two proposals were sought:

- Increase the use of co-ordinated pick up and drop off points for SEND children.
- Arrange journeys to more commonly serve multiple schools and colleges and age groups, including journeys that serve both mainstream and special schools and colleges.

Members heard that these changes would improve the efficiency of school journeys as fewer vehicles may be required, with some carrying on average more children. This would provide savings of up to £986,000.

However, the consultation highlighted a lack of support by respondents to the proposed changes to the current arrangements, with a majority not in agreement not in agreement with either proposal.

The committee heard that many of the concerns raised in the consultation would be mitigated by applying the changes to the policy on an individual basis, ensuring that each individual children's needs are considered. This would be incorporated into the process, in accordance with the statutory guidance and the Council's Home to School Transport Entitlement policy.

In response to questions, members heard that:

- In cases where it was considered appropriate, it would allow for a more inclusive approach in relation to young people with SEN, preparing them for later life .
- Journey appropriateness was assessed by travel time, rather than the start time of the journey in relation to the school's opening time.
- Consideration would be given not just to individuals, but to the mix of young people on each vehicle.
- The changes would not be implemented unilaterally, but following individual assessment, over a period of 1 to 3 years.



- Travel escorts will continue to be deployed where needed.
- There is a two stage appeals process which parents can engage in when they are not happy with an outcome in relation to Home to School Transport. This is a statutory requirement.
- The department works very closely alongside their providers and will work to prevent changes being a surprise and supporting transition for children with vulnerabilities, as is the case currently when arrangements change.
- The majority of families will not have a significant pre-journey introduced, with the majority anticipated as being a few hundred metres to a gathering spot.
- The savings figure is an estimate as any changes to transport will be assessed on a case by case basis.
- Officers have researched other local authorities who have taken similar actions in relation to their policies, to learn from their experience.
- The proposed changes would also have a positive impact on the environment, as a result of fewer vehicles undertaking journeys.

Following questions, the initial recommendation was proposed, and a vote was held with the following outcome:

For: 9  
 Against: 4  
 Abstained: 1

The Executive Lead Member thanked the Select Committee for their comments and assured the members that they would inform their decision.

**RECOMMENDATION:**

That, regarding the changes to the Home to School Transport Policy, the Select Committee supports the recommendations being proposed to the Executive Member for Children's Services.

**51. UPDATE ON AUTISM SERVICES COMMISSIONING FOR CHILDREN AND YOUNG PEOPLE IN HAMPSHIRE**

The Committee received a written update on Autism Services Commissioning for Children and Young People in Hampshire (see Item 10 in the Minute Book).

**RESOLVED:**

That the Children and Young People Select Committee noted the update.

**52. WORK PROGRAMME**

The Chief Executive presented the Committee's work programme (see Item 11 in the Minute Book).

**RESOLVED:**

That the work programme, subject to any amendments made during the meeting, is agreed.

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Chairman, Children and Young People  
Select Committee

## HAMPSHIRE COUNTY COUNCIL

### Front Cover Report

<b>Committee:</b>	Children and Young People Select Committee
<b>Date:</b>	17 October 2022
<b>Title:</b>	Outcomes from the Consultation on Social Care Provision for Overnight Short Breaks at Firvale Residential Respite Children
<b>Report From:</b>	Director of Children's Services

**Contact name:** Kieran Lyons – Head of County Services

**Tel:** 0370 779 1052

**Email:** Kieran.lyons@hants.gov.uk

#### **Purpose of this Report**

1. The purpose of this report is to provide the Executive Lead Member for Children's Services the outcomes of both the public and staff consultations on the future of social care provision at Firvale Residential Respite Unit and to offer recommendations for decision making.
2. The Executive Member for Children's Services is requested, at their Decision Day, to approve the proposals.

#### **Recommendations**

3. That, regarding the proposed changes to the provision of respite service to children and young people with disabilities, the Select Committee either:

supports the recommendations being proposed to the Executive Member for Children's Services

Or:

agrees any alternative recommendations to the Executive Member for Children's Services, with regards to the proposals set out in the attached report.

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## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker</b>	Executive Lead Member for Children's Services
<b>Date:</b>	19 October 2022
<b>Title:</b>	Outcomes from the Consultation on Social Care Provision for Overnight Short Breaks at Firvale Residential Respite Childrens Unit
<b>Report From:</b>	Director of Childrens Services

**Contact name:** Kieran Lyons – Head of County Services

**Tel:** 0370 779 1052

**Email:** Kieran.lyons@hants.gov.uk

#### Purpose of this Report

1. The purpose of this report is to provide the Executive Lead Member for Children's Services the outcomes of both the public and staff consultations on the future of social care provision at Firvale Residential Respite Unit and to offer recommendations for decision making.

#### Recommendations

2. That the Executive Lead Member for Children's Services approves the recommendation to:  
Permanently close social care provision at Firvale Residential Respite Unit by 31 March 2023.

#### Executive Summary

3. In March 2020, during the national lockdown as a result of the coronavirus pandemic, the Ofsted registered social care Firvale residential respite unit temporarily closed. Staff were redeployed to other services in the Children's Services Department.
4. At the Executive Lead Member for Children's Services Decision Day on 14<sup>th</sup> January 2022<sup>1</sup>, permission was given to consult on proposals for the future of social care respite provision at Firvale Residential Respite Childrens Unit.

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<sup>1</sup><https://democracy.hants.gov.uk/documents/s89464/Permission%20to%20consult%20on%20proposals%20for%20social%20care%20provision%20for%20overnight%20short%20breaks%20at%20Firvale%20R.pdf>

5. The public consultation exercise was open from 17<sup>th</sup> January – 28<sup>th</sup> March 2022, a period of 10 weeks. A staff consultation was also undertaken concurrently.
6. Firvale is operated by Hampshire County Council (HCC) working in partnership with Hampshire Hospitals Foundation NHS Trust (HHFT), who own the building. Of the nine beds within Firvale, HCC used five to meet children's social care overnight respite needs and HHFT using the remaining capacity (four beds) to meet health needs.
7. It should be noted that the cohort of young people supported by health have significantly different needs to those supported by social care. HHFT have continued to use the Firvale site during the pandemic to deliver a range of services and they are exploring the potential future options for the use of the building.
8. In August 2018, a report of essential building and maintenance works needed at Firvale was produced. These works would ensure the building continues to be fit for purpose and provide a safe environment. To re-open HCC's registered respite service at Firvale (the five social care beds), there would be an imminent requirement to contribute funding of at least £400,000 towards these essential works within the building, and its grounds.
9. Since the development of the residential estate which now surrounds Firvale, there have been increasing concerns about the loss of privacy, particularly the fact that some of the bedrooms and all the grounds are now overlooked by other properties. This has brought into question the ongoing suitability of the building to deliver social care residential respite services.
10. HCC have engaged with health partners (Both HHFT and the Hampshire and Isle of Wight Integrated Care Board (ICB) (formerly the Clinical Commissioning Group (CCG)) regarding concerns about the building and the need to close it at the beginning of the pandemic. HCC have offered regular discussions since that time. HHFT continue to consider the future use of the building and the range of services which they may wish to provide from it.
11. The public consultation sought the views of services users, stakeholders, Hampshire residents and other care and support providers on the development of suitable alternative options for current and future users, which promote the best outcomes for children and young people and their families and reduce dependencies on services whilst ensuring best value for the use of public funds.
12. A total of 58 responses were received during the consultation period, of whom 33 had used overnight respite at Firvale, 17 were related to, or lived with, someone who has used services at Firvale, four were support workers for families with a child with Special Educational Needs or Disabilities, and one respondent worked at Firvale.

13. Social workers have continued to work closely with affected families to put in place suitable alternative packages of care that would meet each individual's assessed needs.
14. Prior to the closure (due to Coronavirus), in March 2020, around one third of available overnight respite (ONR) provision capacity was used. Firvale ONR provision was being accessed by 12 children, a further 14 young people were awaiting ONR services. All children and their families have received ongoing support from their Social Workers to identify suitable alternative services to meet their assessed social care needs.
15. The Children's Services Department have continued to work with new and existing external providers to develop a broad range of respite and support services available to children and young people who have disabilities within Hampshire.
16. The factors of low occupancy, high cost per night, combined with recruitment and staffing issues, as well as the wider local authority funding pressures have contributed to the case to consult on whether social care provision at Firvale Residential Respite Childrens Unit should remain closed. Since the end of March 2020, there has been no access to HCC respite provision at the home, and social workers have worked with families to explore alternative support options, some of which have been taken up.

### **Contextual information**

17. The Breaks for Carers of Disabled Children Regulations 2011 places a duty on local authorities to provide a range of services for children who have a disability and their families which includes, "overnight care in the homes of disabled children or elsewhere." The County Council's offer for overnight respite was historically based on residential services, however the County Council have worked to diversify the offer to meet need in the most appropriate way for young people. This has included commissioning support in family homes and increasing the use of Specialist Respite Care (Care in the home of foster carers, recently renamed, 'Home from Home').
18. Firvale is a residential respite unit, located in Basingstoke. Until the onset of the coronavirus pandemic, Firvale provided overnight respite care for children and young people who have a disability. There are nine single children's bedrooms (five are used by HCC social care and four by HHFT), along with dining, sensory and play areas. When fully staffed, the maximum social care respite nights per annum is 1,815. Since 2019, approximately a third of available nights have been accessed.
19. Respite services are provided for eligible children between the ages of 5-18 years who live at home with their parents or carers, and who have been assessed and are approved for overnight respite.

20. In addition to the 12 children who previously accessed social care respite services at Firvale, there was a further cohort of 14 children had been assessed as requiring respite, and where Firvale had been identified as an appropriate option.
21. Work has been ongoing to identify suitable alternative respite for each of these children whilst Firvale has been closed. Disabled Children's Team (DCT) social workers alongside commissioning colleagues have actively worked with affected children and their families to secure appropriate and beneficial longer-term respite provision and/or services.
22. The DCT social work teams have confirmed that since the temporary closure of Firvale, there is one child for whom alternate respite provision is still being sought from the original cohort of 26 children and young people. For some young people who are approaching adulthood, this has been through our supporting their transition to services provided by Adults Health and Care.
23. Should Firvale remain open, HCC would be required to commit to investing at least £400,000 towards funding essential building works needed at Firvale. These works include widening doorways, installing new fire doors and improvements to gates and site drainage.
24. The investment required to fund the works described above does not alter or mitigate the question of the ongoing suitability of Firvale for social care provision, due to issues around loss of privacy resulting from the surrounding housing developments which means that Firvale is now significantly overlooked.
25. When fully operational, Firvale has 20.6 Full Time Equivalent (FTE) HCC staff. Due to vacancies, there are currently eight members of staff employed to work at the unit. Since the closure of social care provision at Firvale in March 2020, members of staff have been relocated into a range of other roles across HCC's Childrens Services Department.
26. To re-open Firvale, it would be necessary to recruit up to 13.6FTE to fill the current vacancies. Without adequate staffing levels, Firvale could only offer a partial service, which could mean that not all respite allocation could be met, and the service would not be operating at a viable occupancy. In turn this would mean that the service would not be offering good value for money.
27. Currently the assessed needs of children and young people with disabilities are met through a range of services, including overnight respite care, from external providers, and other alternative forms of support for children and young people and their families.
28. The alternative forms of support available to families include:
  - Home from Home care which is provided by registered foster carers to offer families short term respite;
  - Care Support hours which can be offered in the home or in the community;



- Support via a Direct Payment worker, also in the home or in the community as required;
  - HCC also provide specialist support via the Sleep Support Service which provides bespoke support, advice and guidance to families where sleep is an issue; and
  - The Technology Enabled Care service provides an assessment to identify if there are any potential technology solutions to support a family to meet their needs. Personal Budgets, where funds are transferred directly from HCC to families to purchase equipment, or services and activities in the community;
  - Family breaks to meet their needs.
  - Short Break activities and the Buddy Scheme are also options available to families to explore.
  - Overnight respite services commissioned from external service providers.
29. Overnight respite is currently provided through arrangements which are in place with external service providers. These contracts offer high quality respite services at a lower cost to in-house provision, and which allow HCC to accommodate fluctuations in demand as HCC only pays for beds that are utilised by its service users rather the total cost of the service irrespective of occupancy levels. At present, overnight respite services are provided by the following organisations:
- The Rose Road Association, The Acorns, Southampton
  - Purple Oak Support (formerly Andover Mencap), Rainbow Corner, Andover
  - Cherry Trees, Guildford, Surrey
  - Treetops, White Lodge Centre, Chertsey, Surrey
  - Shooting Stars, Guildford, Surrey
30. Should the social care provision at Firvale remain closed, appropriate permanent re-deployment opportunities will be sought to minimise potential compulsory redundancies. All appropriate redeployment opportunities will be explored to avoid any potential compulsory redundancies, this would include vacant posts within HCC's other Children's Homes.

## **Finance**

31. Since 2008, HCC has been changing the way it works to respond to continuing pressures on local government funding, whilst demand for many services has continued to increase. This has resulted in over £560 million being removed from the budget in the last 14 years. Over the financial years 2022/23 and 2023/24 the County Council faces a further budget shortfall totalling at least £80 million, bringing the cumulative recurring saving to £640 million.
32. Each successive transformation (savings) programme is becoming more challenging to deliver, as the potential to achieve further permanent cost reductions through early intervention, demand management and prevention approaches is reduced. Given the level of savings already achieved and the

shortened timescales for delivery, the Saving Programme to 2023 (SP23) is focused primarily on services that may be reduced or stopped across the Council.

33. Local authorities are required to deliver a balanced budget and it is necessary for the Council to decide what services HCC provides, and how these services are delivered, whilst meeting both assessed needs and statutory obligations. It is now more challenging to maintain the full range of services that residents have previously accessed within the reduced budgets now available.
34. The table below provides a comparison of average cost per bed per night between Firvale and external residential respite providers. Average unit rates are taken from current agreed rates.

<b>Cost of overnight respite (per night, per child)</b>	<b>Care worker to child ratio<sup>2</sup></b>	
	<b>1:2</b>	<b>1:1</b>
2022/23 Firvale cost (based on a target of 80% occupancy)	£731.07	£966.37
Current average external provider unit rate (based on contracted costs)	£361.17	£771.26

35. The data in the table above provides the cost per night of delivering respite services at Firvale, based on an 80% occupancy figure and the costs incurred, based on actual use. The most recent data (in the period up to March 2020) confirms that Firvale was operating at approximately one third occupancy. The consequence of this under occupancy was that in 2019/20 overnight respite at Firvale cost an average of £1,486.87 per night.
36. Several factors have contributed to low occupancy at Firvale, including the complex needs of the children and their support requirements limiting the number of children that can be accommodated at any one time. Another factor is the requirement to ensure that children staying at Firvale at the same time are risk assessed and matched appropriately. This ensures they are able to engage with each other, participate in similar activities and have a positive experience.
37. There have also been challenges in maintaining the staffing establishment which has had an impact on the number of children that could be cared for at any one time.
38. The HCC annual budget for Firvale for financial year 2022/23 is £900,000. It is proposed that £500,000 is to be allocated to departmental savings required by March 2023. The remainder of the budget is to be invested into the

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<sup>2</sup> The 1:2 and 1:1 rate compares the average contracted rates per night, per service user for those ratios of care compared to the equivalent in-house rate. This is based on a service user acceding the respite provision for a 24-hour period.

ongoing development and provision of respite services for children with disabilities and their families.

39. In addition to the ongoing annual saving of £500,000, the closure of Firvale will also result in the avoidance of a one-off cost of an estimated £400,000 to fund essential works needed within the building, and its grounds.
40. Should Firvale close the maximum redundancy costs for all staff are estimated to be up to £71,614 (including potential enhanced voluntary redundancy), however, the actual figures are expected to be much lower due to anticipated redeployment of staff.
41. The proposed saving includes provision to support children's transition to alternative respite and to cover potential redundancy costs.

### **Consultation and Equalities**

42. At the Executive Lead Member for Children's Services Decision Day on 14th January 2022, permission was given to consult on proposals for social care capacity at Firvale Residential Respite Childrens Unit to remain closed.
43. The public consultation exercise ran from 17th January – 28th March 2022, a period of 10 weeks.
44. To support the consultation, an information pack was produced, including a version in an easy-to-read format to ensure that key information about proposals was widely accessible.
45. The consultation was promoted by HCC across a range of media. This included letters to service users, social media posts (Twitter, Facebook, Nextdoor), communications being sent to all special schools, and in collaboration with Hampshire Parent Carer Network, who promoted the consultation to their members. The consultation was also featured on the BBC's South Today local news programme on 18<sup>th</sup> January 2022.
46. During the consultation, a number of drop-in sessions were organised. These were held in both in person, at several accessible venues across Hampshire, and online, via virtual meetings.

Venue	Date
Basingstoke Discovery Centre	03/02/2022
Gosport Discovery Centre	09/02/2022
Online via MS Teams	14/02/2022
Basingstoke Discovery Centre	25/02/2022
Online via MS Teams	01/03/2022
Online via MS Teams (evening)	16/03/2022
Chandlers Ford Library	17/03/2022

47. A total of 58 responses were received during the consultation period. The breakdown of these responses is set out below. Of these, 56 responses were provided via the Response Form, and two 'unstructured' responses via email were also received.

48. Of those who provided a response:

- 33 had used overnight respite at Firvale, 17 were related to, or lived with, someone who has used services at Firvale, four were support workers for families with a child with Special Educational Needs or Disabilities, and one worked at Firvale.
- 29 lived with children or young people under the age of 26, of whom 25 had Special Educational Needs or Disabilities, and 11 use overnight respite services (six at Firvale).

Other information that was shared included that of the respondents to the consultation:

- 33 were female and 12 were male
- 15 had a health problem or disability, and 26 did not have these issues
- Three were from ethnic minority groups and 41 were from White English, Welsh, Scottish, Northern Irish, or British groups

49. A copy of the of the consultation headline findings report is included at Annex A.

50. The consultation sought respondents' views on the key issues the County Council would need to consider when making the decision about Firvale. There were 36 responses to this question.

- 25 responses mentioned the reduced opportunities for respite was
- 25 responses mentioned the impact on service using children and their families
- 24 responses mentioned the lack of suitable alternative respite

51. The consultation Information Pack described the alternative services that would be available if a decision were to be taken that the social care overnight respite service at Firvale remain closed. The consultation asked respondents to describe any service user needs that would not be met by these services. In total 48 comments were provided in answer to this question. The top three answers provided focussed on:

- 32 responses mentioned that suitable alternatives are not readily available
- 13 responses mentioned a lack of accessible alternatives in their area
- 9 responses mentioned a lack of support for children with complex needs

52. The consultation Response Form asked respondents to describe any impacts that the proposal for the social care overnight respite service at Firvale to remain closed would have on themselves, other people, or their organisation, group, or business. 50 comments were provided in relation to this:

- 41 responses mentioned the impact on the families of service users
- 30 responses mentioned an inability for service users to access respite
- 14 responses mentioned the impact of increased travel

53. Feedback received during the consultation also made the following points:

- That further consideration should be given to the wellbeing of service users' families, and the suitability of alternatives for service users' needs - particularly following the previous closures of respite the Sunbeams and Merrydale respite units.

The wellbeing of service users and their families is of the utmost importance and is the reason why social workers have worked with families to identify suitable and appropriate alternatives for individual children and young people affected by the proposal, ensuring that their needs are met.

- Concerns were raised that (assessed) needs may not be met by alternative services, and that alternatives may not be local, therefore adding to the complexity and challenge to access suitable respite.

Social Workers are supporting affected families to discuss any concerns they may have regarding the proposal, and to identify agreeable alternative support for their family that meets their assessed needs. Funding has been set aside to ensure that additional transport costs incurred by families as a result of this proposal can be supported.

- That the vulnerable were being disproportionately affected by successive cuts, that services for children and young people with disabilities should be prioritised, and that closing Firvale may lead to additional costs in other services, examples cited included an increased demand for residential care.

Families affected by the proposal are receiving individualised support to ensure that their needs are met.

- There were also suggestions that the County Council should reduce wastage, reduce pay for senior officers/Councillors, increase Council Tax, and find other sources of income such as selling additional land charged for services at Firvale, allowing service users to buy services from Firvale through Direct Payments, and the use of budget reserves to continue to fund respite services at Firvale.

HCC welcomes suggestions for how to secure additional income to support services for our vulnerable children and families. In the particular case of Firvale, the financial assessment within this report demonstrates that in terms of value for money, and therefore best use of public funds, that there are alternative options available both in-house and on the market that will provide better outcomes.

## **Equality Impact Assessment**

54. An Equalities Impact Assessment has been completed and is provided at Appendix A.

55. No high negative or medium negative impacts were noted in the Equality Impact Assessment.
56. Low negative impacts were identified for the public in relation to the protected characteristics of age, disability, poverty and rurality. The proposal will impact the services provided for children and young people with disabilities, some of whom may need to access alternate respite provision. The County Council is committed to ensuring that families remain able to access provision that will meet their child's needs. When planning for alternative provision, transport to or from overnight respite has been considered, where appropriate and in some cases travel support/assistance has been provided.
57. Low negative impacts were identified for staff in relation to the protected characteristics of age, disability, sex and poverty. The age profile of the Firvale staff is broadly in line with both the averages for across the County Council, however all staff members are female, a minority of whom have declared a disability, based on a very small number of staff this is higher than organisational averages. It is anticipated that majority of the eight members of staff will be permanently redeployed into alternative roles within Children's Services. Staff who cannot be redeployed would be offered enhanced voluntary redundancy.

### **Staff consultation**

58. Consultation with staff and unions took place alongside the public consultation between 17 January and 28 March 2022. Consultation was undertaken through a staff briefing, individual meetings with affected staff and departmental meetings with trade unions. There were 11 members of staff within scope of consultation at the start of the process, however, three have since been appointed to alternative roles within the department.
59. During consultation, staff shared concerns about the potential impact of the proposals on the children and families who attended Firvale. There was also discussion about the redeployment options available to staff and the support and training which would support a change in role.
60. A small minority of existing staff have been invited to apply for enhanced voluntary redundancy as there are no anticipated suitable alternative roles available. The final date for voluntary redundancy applications is 20 October 2022. If these staff members do not apply for enhanced voluntary redundancy, they will be at risk of compulsory redundancy and will be eligible for redeployment support. Compulsory redundancy would be a last resort.
61. It is anticipated that all other staff affected by the proposals will be redeployed to alternative roles within Children's Services.
62. Should Firvale close, the maximum redundancy costs for all staff are estimated to be up to £71,614 (including potential enhanced voluntary redundancy), however, the actual figures are expected to be much lower due

to anticipated redeployment of staff.

### **Climate Change Impact Assessment**

63. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

### **Climate Change Adaptation**

64. The carbon mitigation tool decision tree indicates that this proposal is not suitable for assessment. Therefore, the Climate Change Impact Assessment tool has not been used.

65. A full assessment of climate change vulnerability was not completed as the initial vulnerability assessment showed that the project is at minimal risk from the climate vulnerabilities.

### **Carbon Mitigation**

66. At this stage it is considered that there is no requirement to undertake steps for Carbon Mitigation. Accessing alternative respite provision will alter the length of journeys for some users, but as services will be distributed across Hampshire this could result in a reduction for some, and an increase for others. It is therefore not possible to model these impacts in the long-term as provision is allocated on a basis of need, and not all settings are suitable to meet the needs of all children and young people.

67. The proposals support Hampshire County Councils' strategic priorities:

**Strategic Outcome 1:** Hampshire maintains strong and sustainable economic growth and prosperity: The proposals will lead to a saving of £500,000 per annum and will ensure that high quality respite provision is delivered whilst achieving good value for Hampshire's residents.

**Strategic Outcome 2:** People in Hampshire live safe, healthy and independent lives as the proposed changes will support children and young people access to a range of residential and strengths-based respite provisions suited to their individual assessed needs.

### **Conclusion**

68. Whilst it is acknowledged that the findings of the consultation indicated that there was opposition to the permanent closure of Firvale, this must be balanced against the financial pressures that are being faced by the County Council, the investment required in continuing to provide respite services at

Firvale, coupled with the high costs and poor value for money offered.

69. With the ongoing development of alternative respite provisions that are being offered, the concerns raised in the consultation can be mitigated whilst ensuring that children and young people, and their families receive appropriate meaningful, high-quality, good value-for-money and strengths-based respite support that meets their assessed needs.
70. Alternative respite provision including Home from Home, Care Support, the Sleep Support Service, Technology Enabled Care, Personal Budgets, Short Break activities and the Buddy Scheme are options available that families can explore alongside residential overnight respite. The broad range of services available means that HCC is able to work with young people and their families to meet assessed needs in a way which can be tailored and adapted as their needs evolve over time.

### **Recommendations**

71. That the Executive Lead Member for Children's Services approves the recommendation to:  
Permanently close social care provision at Firvale Residential Respite Unit by 31 March 2023.



**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	<b>Yes</b>
<b>People in Hampshire live safe, healthy and independent lives:</b>	<b>Yes</b>
<b>People in Hampshire enjoy a rich and diverse environment:</b>	<b>No</b>
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	<b>No</b>

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<b><u>Title</u></b> Permission to consult on proposals for social care provision for overnight short breaks at Firvale Residential Respite Childrens Unit to remain closed.	<b>14 January 2022</b>
<b><u>Title</u></b> Savings Programme to 2023 - Revenue Savings Proposals Cabinet:	<b>17 September 2021</b>
<b><u>Title</u></b> Medium Term Financial Strategy Update and Savings Programme to 2023 Savings Proposals	<b>12 October 2021</b>

**Direct links to specific legislation or Government Directives**

<b><u>Title</u></b>	<b><u>Date</u></b>
<b>Children Act</b>	<b>1989</b>
<b>Local Government Act</b>	<b>1999</b>
<b>Equality Act</b>	<b>2010</b>
<b>Respite: Statutory guidance on how to safeguard and promote the welfare of disabled children using respite</b>	<b>2010</b>
<b>The Breaks for Carers of Disabled Children Regulations</b>	<b>2011</b>
<b>Children and Families Act</b>	<b>2014</b>
<b>Best Value Statutory Guidance (revised and updated)</b>	<b>2015</b>

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

## Appendix A – Equalities Impact Assessment

### EQUALITIES IMPACT ASSESSMENT:

#### Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
2. Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
3. Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

4. The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
5. Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
6. Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

## Appendix B – Summary of Alternative Respite Provision

The Children's Services Procurement and Commissioning team are consolidating and further developing the choice and range of support available to DCT children, young people, and their families. The current support offer includes the following services:

Overview of current services:

Type of provision	Description
a) Overnight respite in a residential setting	A commissioned service provided by external providers within Ofsted registered Children's homes.
b) Personal Budgets	Flexible use of personal budgets to purchase equipment or services to meet the needs identified in the care plan.
c) Home from Home care	Home from Home is a form of respite for families. Specialist respite carers are registered foster carers who are linked to a family to provide overnight respite for children. Home from Home respite carers, with the support of their supervising social worker from the Children's Services Fostering Team and the child's social worker, provide breaks which can be for a few hours at a time or can be overnight, depending on the needs of the family.
d) Care Support hours	Care Support is where a support worker comes to the family home or takes the child or young person into the local community, either for shorter periods during the day or having a carer stay in the home overnight. This could be with or without the parents in the home.
e) Technology Enabled Care	Hampshire's assistive technology partner Argenti will work with DCT social workers and families to recommend and supply a technology-based intervention to support a child's care plan.
f) Specialist Sleep Support Service	A specialist sleep support intervention to families of children with a disability, where non-medical sleep related issues are causing family sleep deprivation and associated issues.

g) Direct Payment worker	Direct payments can be used by a family to employ a Direct Payment workers/ PA in Care.
h) Holiday Activities	Families can refer to Short Break Activities and Holiday Activity Fund schemes.
i) Community Buddy Scheme	The Buddy Scheme provides individual support to children and young people who have additional needs to access the community. A community buddy is a volunteer or a paid member of staff who may go with a young person to their chosen activity, giving them time away from home, help the young person to do things they want to do or provide support for leisure activities.
j) Occupational Therapy support (OT)	Children and Families Occupational Therapy Service is a community social care provision. Children with disabilities are offered assessment, advice and/or interventions following a strength-based approach, to remain in their chosen care setting, (family home, extended family support, fostering, HCC residential placement) to overcome barriers towards independence.

Overnight respite in a residential setting: This is a purchased service provided by the following external providers:

Rose Road (Southampton), The Acorns service is a residential respite service run by the Rose Road Association, for children and young people aged between 4 and 18. The service is available to children and young people who have profound and multiple learning disabilities, physical disabilities and complex health needs. Each room has specialist equipment, with one twin room available if required. This unit is shared between Hampshire and Southampton children and families. There are currently 24 Hampshire children on roll with 10 Hampshire children on the waiting list. As of July 2022, Rose Road have started to assess children on their current waiting list; they have 37 children on their waiting list across both Hampshire County Council and Southampton City Council. Rose Road estimates that children could start accessing provision anywhere between 1 – 3 months depending on where they sit on the waiting list.

**Purple Oak (Andover)**, formerly Andover District Mencap, is a six-bed home providing overnight short breaks and day care for children and young people with additional needs, aged 3 to 19 years. Adaptions have been made to meet the needs of the children and young people who attend. The home can care for children and young people who have multiple and/or profound learning disabilities,

including those on the Autistic Spectrum, those with complex medical health needs and physical disabilities. 41 children are accessing overnight respite at Rainbow Corner currently. These include 2 from Wiltshire, and 5 from independent futures (ex-Hampshire children; children who have turned 18 but will continue to access respite until they turn 19). This provider currently has 29 Hampshire children on roll with a further 8 on their waiting list, introduction visits are taking place in September 2022 for these children

**Cherry Trees (Surrey)** is a charity providing specialist respite for children and young adults aged 0-19 who have a range of complex disabilities including learning, physical and/or sensory impairments. There are 11 single rooms available. This setting has a maximum capacity of 14 children (11 overnights plus 3 day cares). There are no Hampshire children currently placed here although there is 1 referral from Hampshire on the waiting list, it is anticipated that this young person will start accessing this provision in December/ January 2023. The home is accepting new referrals. For weekend and school holiday packages, the waiting list is currently approximately one year depending on the requirement. If a family will consider mid-week term time visits, then the waiting list is shorter.

**Tree Tops (Chertsey)** short breaks provides respite care for disabled children and young people up to the age of 18 in Surrey. This is a new provider to Hampshire, and they are assessing their first referral, this referral is set to begin respite in September. This provider is accepting new referrals from Hampshire.

**Castle Gate (Newbury)** is a respite care home for up to 6 children aged 5-18 living with Learning disabilities, Autism, Physical Disabilities and Complex needs. The setting has cared for Hampshire children historically but is currently only accepting referrals from West Berks. Procurement Officers continue to liaise with the provider to maintain the working relationship with a view to future Hampshire placements being a possibility in due course.

**Beechside (Portsmouth)** is a 6 bed overnight short break service based in Portsmouth for Children with Disabilities aged between 5 and 18 years of age. The setting has cared for Hampshire children historically but is currently only accepting referrals from Portsmouth. Procurement Officers continue to liaise with the provider to maintain the working relationship with a view to future Hampshire placements being a possibility in due course. The Procurement, Commissioning and Placements Team are also working with a new respite provider in the east of the county, to develop additional capacity in the overnight market. It is anticipated that bed nights will be available from Autumn 2022 pending Ofsted registration. Based on a three-bed unit initially, with capacity to increase to six beds once the service is established, this new provision could potentially provide a minimum of 720 nights per annum based on a 5-night opening 48 weeks a year. However, given the full capacity available is likely to be significantly more once the service is operating at optimum capacity of in the region of 75% occupancy.

**Personal budgets** can be used flexibly to purchase equipment or services to meet the needs identified in a child's care plan. This option has recently

undergone a refresh whereby social workers are being encouraged and supported to be creative and innovative with how best to meet needs via this funding route. It gives families choice and control over their support and is a personalised approach.

**Home from Home** care is a form of respite for families. Specialist respite carers are registered foster carers who are linked to a family to provide overnight respite for children. Home from Home respite carers, with the support of their supervising social worker from the Children's Services Fostering Team and the child's social worker, provide breaks which can be for a few hours at a time or can be overnight, depending on the needs of the family.

**Care Support** is a commissioned service whereby an agreed number of hours of support are approved and Care Quality Commission registered providers are provided with referrals for a support worker to come to the family home or take the child or young person into the local community, either for shorter periods during the day or having a carer stay in the home overnight. This could be with or without the parents in the home.

**Technology Enabled Care;** Argenti is Hampshire's assistive technology partner. Working closely with the Disabled Children's Team social workers and families, Argenti will recommend and supply a technology-based intervention to support the child's care plan. These interventions can offer support in areas such as night-time routines, epilepsy monitors, flooding and fire detectors. Phone applications which can help reduce a child or young person's anxiety and improve their ability to be more independent can also be provided where appropriate. 147 have been referrals received since project start in 2015 and 99 CYP currently receiving TEC. There were 17 referrals received in 2021 and 16 of those are still actively receiving TEC.

**Sleep Support Service:** The service is in its 4<sup>th</sup> year of successful delivery and supports an increasing number of families year on year with specialist sleep advice and support. Additional spaces have been secured for year 5 (From September 2022) and will see a further 50 families receiving support. Similar to Care Support the option of a **Direct Payment** worker/PA in Care is another way of commissioning care and support hours. This option sees the family being the direct employer of the support worker; they are responsible for the recruitment and payment of the staff member. There is an additional service in place to support families with this option so they can fully understand their role and responsibilities; Direct Payment Support Service which is delivered to families in receipt of direct payments and is managed via a provider called Enham.

**Holiday Activities:** Short Break Activities and Holiday Activity Fund schemes which are advertised here: [Family Information and Services Hub \(hants.gov.uk\)](https://www.hants.gov.uk/family-information-and-services-hub). Short Breaks enable children and young people with disabilities or additional needs to join in with fun activities. They give parents or carers an opportunity to have a short break from caring. Short Breaks include specialist holiday and weekend play and youth club schemes across Hampshire that can be accessed via a Gateway Card+. The Gateway Card+ is for children and young people who;

have a disability and/or additional needs (supporting evidence is required), need support to take part in leisure activities, are between 0 and 17 years old and live in the Hampshire County Council authority area. The card is free and gives access to community activities, play schemes and buddy schemes through the short breaks programme.

The **Community Buddy** scheme provides individual support to children and young people who have additional needs to access the community. A community buddy is a volunteer or a paid member of staff who may go with a young person to their chosen activity, giving them time away from home, help the young person to do things they want to do or provide support for leisure activities.

The Children & Families **Occupational Therapy Team** continues as they always have done to provide aids and adaptations to disabled children and their families to aid mobility and access around the home, and to better enable these children's care needs to be met at home. This can be seen as an early intervention or preventative-type provision which can prevent escalation of needs.

In addition to the current provision listed in the section above, new ways of meeting respite needs are also being developed such as; **Activity Breaks** where a child/young person accesses an activity centre for a day or overnight and enjoys a range of activities provided by trained instructors and supported by experienced care staff.

**Family Breaks** are another option that can be commissioned or funded via personal budgets; these can provide a break where the whole family can enjoy time away together in an accessible environment.

Longer term the Procurement, Commissioning and Placements Team are also exploring closer joint working the **Independent Futures Team** who manage the transition of young people from Children's Services into Adult's Services, and also with Adults Health and Care generally to ensure that the relevant teams and services are making the best of the resources available.



# **Firvale Residential Respite Childrens Unit 2022 consultation headline findings**

## Background

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Firvale is a purpose-built short-stay residential respite unit for children with disabilities. The unit is used by both Hampshire Hospitals Foundation Trust, part of the NHS, and the County Council.

Social care provision at Firvale has been closed to service users since the outbreak of the Coronavirus pandemic in March 2020. The County Council proposed that social care provision at Firvale remains closed, with alternative provision sought for both existing users and those children and young people who are awaiting provision.

This consultation related only to social care services provided at Firvale by Hampshire County Council. More information, including the consultation Information Pack which explained why the County Council was making this proposal, can be found at [www.hants.gov.uk/aboutthecouncil/haveyoursay/consultations/Firvale](http://www.hants.gov.uk/aboutthecouncil/haveyoursay/consultations/Firvale).

The consultation was open from 17 January 2022 and closed at midnight on 28 March 2022. The County Council received 58 responses to the consultation.

## Headline findings

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Before the County Council makes a decision on the future of the respite service at Firvale, respondents most commonly felt that further consideration should be given to the wellbeing of service users' families, the remaining levels of access to respite services, and the suitability of alternatives for service users' needs - particularly following the previous closures of Sunbeams and Merrydale.

Respondents were most concerned that their needs would not be met by alternative services as these already had limited availability and the closure of Firvale would put further pressure on places. They also noted that the locations of alternative provision would make it harder to reach them, and that they may not cater for more complex needs.

It was perceived that the impact of closure would be felt most amongst people with a disability and those in poverty. Identified impacts included placing additional strain on families - leading to poorer health and wellbeing outcomes, being unable to access services, and the extra financial, time and stress burdens placed on service users and their families by the need to travel further to access respite.

Further comments covered a wide range of subjects, although they indicated common views that the vulnerable were being disproportionately impacted by successive cuts to funding, that services for children and young people with disabilities should be prioritised, and that ceasing funding for Firvale's respite service may lead to additional costs to other services, such as residential care.

Similarly, suggested alternatives to ending the respite service at Firvale addressed a variety of topics. However, there were regular suggestions that the County Council reduces wastage, reduces pay for senior officers and Councillors, increases Council Tax, and finds other sources of income such as selling services at Firvale, allowing service users to buy services from Firvale through Direct Payments, and the use of reserves to continue to pay for the service at Firvale.

## Things to consider when deciding whether social care overnight respite service at Firvale remains closed

The consultation Information Pack explained the County Council's reasons for proposing the social care overnight respite service at Firvale to remain closed.

The consultation Response Form asked "What else do you think the Council would need to consider when making this decision?"

36 comments were provided in answer to this question. Of these:

### 25 mentioned **reduced opportunities for respite**

*This often related to issues around supply and demand for the service, the impacts of other changes to services for those with SEND, and decreasing provision of services for those with complex needs*

### 25 mentioned **impacts on, and needs of, service users' families**

*These frequently related to the need for parents and carers to have breaks from their caring duties and the service's benefit to the resilience and mental wellbeing of service users' families*

### 24 mentioned a **lack of suitable alternatives**

*Comments most commonly related to impacts of previous closures of respite services in Hampshire, the value of consistency to service users, and the highly-valued Firvale staff*

- 9 expressed views that Firvale is still a suitable respite location
- 5 mentioned less social interaction for service users
- 5 mentioned issues of eligibility for, and access to, respite
- 4 mentioned the potential impacts on other services
- 2 mentioned increased strain on household finances
- 2 expressed views that the Council should prioritise the budget for respite services
- 2 mentioned risks of increased need for residential placements

### 16 mentioned a **lack of local service provision**

*These comments commonly related to Firvale being the only suitable respite setting in the Basingstoke area, and issues if parents or carers need to travel further to collect the service user in an emergency*

### 12 mentioned **increased travel needs and costs**

*These comments often related to the difficulties of travelling with a child or young person who needs respite, the costs of travelling longer distances, and the loss of respite time spent travelling to the setting*

### 11 mentioned that **the Council should invest more in respite**

*These comments often shared views that there should be more respite homes in Hampshire, that the burdens are increasing on families, and that respite reduces the Council's costs elsewhere*

Examples of comments are shown on the next page

## Things to consider when deciding whether social care overnight respite service at Firvale remains closed

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*There are not enough respite services and children who needs these are not able to access them. The criteria for access is high and many family really struggle without this service. All respite services are going to be expensive*

*The price to upgrade and keep open will be cheaper in the long run, rather than letting families go into crisis and need children going into care, or residential specialist provision. The alternatives are not good enough and no other local respite place exists for families*

*As this is the only unit in Hampshire that can accommodate children with challenging behaviour often caused by their disability; it is paramount suitable provisions are sourced*

*Many more children could be supported at Firvale if the criteria for going there was different. It could be an amazing resource for learning disabled children. The reason so few are accessing it is because it is not offered to enough families*



*Parents who do not drive will have limited access to respite and will not be within reasonable distance should an emergency situation arise*

*Overnight respite care helps keep children within their family and communities. For example, just one child placed in a specialist residential setting can cost education, health and social care from £80K to £120K for just one year*

*Firvale should not be closed as it helps people cope who are already at breaking point. This could be the last straw tipping carers over the edge. This could rebound costing the HCC even more*

*There are currently only 3 other units being used by Hampshire and the geographical distance of other units would be costly in mileage*

Insight. Marketing. Communications.

## Needs that respondents felt would not be met by alternative services

The consultation Information Pack described the alternative services that would be available if a decision were to be taken that the social care overnight respite service at Firvale remain closed.

The consultation Response Form asked respondents to describe any service user needs that would not be met by these services.

48 comments were provided in relation to this. Of these:

32 mentioned they felt that **suitable alternatives are not readily available**

*This often related to views that alternatives do not exist, or that alternatives do not have the capacity to cater for the expected demand that would be placed on them if Firvale stopped providing respite*

*Home from Home services in particular were mentioned by 11 respondents as being unsuitable for service users' needs or lacking capacity; while 8 referenced the Buddy Scheme as not being a like-for-like alternative*

13 mentioned a **lack of accessible alternatives in their area**

*These comments related to concerns about needing to travel to other areas, benefits of local respite to the wellbeing of local families and the familiarity that it provides service users, and the view that parents and carers would struggle to access the respite service in an emergency*

9 mentioned a **lack of support for complex needs**

*This included needs such as challenging or violent behaviour, severe levels of disability, mental health support (such as distress caused by a change in setting), and those who require 24-hour monitoring*

- 6 mentioned a **lack of trained staff** to manage service users' needs.
- 6 mentioned **issues using direct payments**, most commonly that it is difficult finding services on which to spend the budget
- 2 mentioned that the alternate services **would not include adequate social contact** for service users
- 2 mentioned that there was **not enough information** available on the alternate services that can be used

Examples of comments are shown on the next page

## Needs that respondents felt would not be met by alternative services

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*The alternative overnight respite are too far away if you don't drive. Sometimes you just need to sleep in your own bed knowing your child is well cared for*

*I would like to know where these alternatives are as I haven't been able to access much for my son at all*

*The above are all good options but in reality are not alternative as they are not available. There is a waiting list for alternate overnight respite facilities, not enough registered people to do buddy scheme or home from home services, and over prescribed short break activities*

*... alternative facilities are not available and do not accept challenging behaviours*



*Services purchased by families' Direct Payments or Personal Budget Allowances assumes families have the contacts for people with skills to look after their severely disabled children*

*All these alternatives fail because of the lack of trained personnel*

*You can't just say there'll be alternative overnight respite facilities when the reality is that Firvale is the only one in Basingstoke that caters for severely disabled children*

*Home from Home services - good idea but lack of foster carers who are able to care for children with needs that are difficult to manage*

Insight. Marketing. Communications.

## Anticipated impacts of the proposed changes

The consultation Response Form asked respondents to describe any impacts that the proposal for the social care overnight respite service at Firvale to remain closed would have on themselves, other people, or their organisation, group, or business.

50 comments were provided in relation to this.

### 41 mentioned impacts on families of service users

*These impacts frequently related to stress and mental health, a potential for family breakdown, and concerns that the changes may lead to other children in service users' families having fewer opportunities*

### 7 mentioned a lack of social interaction for service users

*These comments commonly related to impacts on relationships that service users have made with each other and that they may be unable to form new relationships in alternate settings*

### 30 mentioned an inability for service users to access respite

*This concern related to availability of other respite settings following the proposed closure of Firvale's respite service, and the reduced capacity of other respite services if they picked up users from Firvale*

### 3 mentioned a risk of service users needing permanent care

*These risks were expressed in relation to the stress service users' families are under, and the perceived increased pressure that service users would be under in the event of Firvale's respite unit closing*

### 14 mentioned a impacts of increased travel needs

*These impacts related to the extra time and cost needed to take service users to respite settings, the stress this may cause service users, and the reduced respite time this would allow for parents and carers*

Those with disabilities were most commonly identified as being impacted by the proposed changes, with about a third of respondents indicating that those in poverty would be impacted. Age and rurality were also amongst the most commonly identified characteristics which would be impacted by the proposals

### Characteristics that respondents felt would be impacted by the proposed changes (base: 42)



Examples of comments are shown on the next page



## Anticipated impacts of the proposed changes

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*It makes it harder to keep severely disabled children in the home setting if the parents can't have any respite*

*... genuine respite keeps families together, children remain at home and within their local communities*

*As an alternative overnight respite facility has been suggested closer to the south of the county this will incur transport costs, either paid for by parents or county. It will also be potentially stressful for those children that struggle with travel*

*Children's seclusion from similar peer group activities*



*People will feel less supported and demoralised and be less able to cope. Having some respite to look forward helps cares to carry on caring and reduces tension and conflict in the home*

*The distance to other facilities causing extra concerns especially if something goes wrong or the families don't drive*

*Families under extreme stress with possible breakdown of the family and children coming into care*

*The children will lose the social element of being with friends for respite*

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## Further comments

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The consultation Response Form asked respondents to share any further comments on the proposal for the social care overnight respite service at Firvale to remain closed, or suggestions for other ways the County Council could make savings to its Children's Services budget.

40 responses were provided in relation to this, of which 28 provided further comment on the consultation proposals. Examples of these comments are shown below:

*"Getting the support right for young people and their families will give them the best chance for when they are adults. Services should be working together more in order to help young people reach their potential. Sometimes this means ensuring parents have a break knowing their children are safe and being well supported in specialist services"*

*"Consideration of whether the likely outcome of reducing easy accessibility to respite care may result in more children with complex needs being taken into full-time care. Would there be provision for these children close to their homes? Or would they land up being out of area placements? This would quickly become more expensive than continuing running an established unit"*

*"Families need this respite service badly - upgrade/modernise/expand! The money it will cost, will save further crises further down the line that would be extremely costly"*

*"Why are we cutting children's services at all?"*

*"I don't know how HCC can save money. Maybe this tier of local authority service is too expensive to maintain and these services should be paid for by central government... It seems that county councils must stand up for their local services"*

*"Stop running a county council that only exists by the contributions of the population of Hampshire as a business and then pleading poverty"*

*"If proper offsite respite isn't available, disabled children end up in care because decent families that love them dearly simply can't cope any longer"*

*"We do not need this passive aggressive question to underline that you are required to make savings. We and other parents recognise this will be the impact of inadequate funding from central government. However your default position seems always to cut services to the most vulnerable"*

*"I was moved from Firvale to an open home. The waste I see working at these services are huge. Things get totally destroyed by the children, then the money is available to replace all of it, then it happens again, and so on. How can this be cost effective or sustainable?"*

*"If you are able to provide respite the child and family will not have to go down the route of long term residential - this will provide you with a saving"*

*"The Council is not prioritising the Children's Services budget - on the basis that it has to make savings to the same extent as other budgets. There needs to be a re-balancing of priorities"*

*"I understand this is only a tick box exercise, the decision has been made to the detriment of this already marginalised group of children"*

*"The government needs to allow more funding for disability services"*

*"Why always penalise the disabled????? This makes our community so angry and feel like we are worthless"*

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## Suggestions for other ways to make budget savings

The consultation Response Form asked respondents to share any further comments on the proposal for the social care overnight respite service at Firvale to remain closed, or suggestions for other ways the County Council could make savings to its Children's Services budget.

40 responses were provided in relation to this, of which 23 provided suggestions on ways to make savings. Examples of these suggestions are shown below:

"Could schools provide after school/weekend/holiday respite? The buildings are accessible and suitable, the staff have access to training and a stable career structure plus for children and parents it offers familiarity and security."

"Less swingeing cuts to services affecting a greater number of non disabled children, but to a lesser extent would be a more imaginative response"

"Put up council tax"

"...this is a discussion you need to be having with government to secure better funding"

"Use the centre better - hold after school clubs, day respite session which we could fund with our direct payments"

"Early intervention so more care is not required later on"

"Children Services budget is probably the area that should be defended above all others perhaps other services should be reduced to support it"

"Stop wasting money on non-maintained special schools"

"Stop overpaying your staff and stop wasting money"

"Families to pay for respite centres out of direct payment allowance or self funded"

"Cut from other services and not children's services"

"Have a better system/punishment for those who make false claims out of spite. It wastes your time and money and causes untold stress to families"

"By providing in-house services instead of having to use costly outside agencies"

"...not make it so hard to get support when needed"

"HCC doesn't need to reduce the amount it spends on children's services, just cut the pay and bonuses of your hierarchy"

"I would suggest that the HCC site in Winchester is sold to generate funds, and all HCC employees should work remotely from home"

"Use the County Reserves to help pay for it"

"...stop doing unnecessary roundabout design changes when its not needed"

## Unstructured responses

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The consultation received 2 'unstructured' responses via email, in lieu of using the Response Form. These are included below in their entirety:

*"Sorry this is not a consultation. This is you saying what you are going to do. There is no way for us to vote and if we did you would only ignore it like you did with the Library Consultation which shut a library in one of the poorest areas of Basingstoke. These children do not have a voice so you think you can ignore them. Their parents are on their knees after 2 years of the pandemic where they have been more severely affected than any other group of children because so many services were suddenly cancelled, and least able to continue to learn or have fun with friends over Zoom and Teams.*

*Please please listen to the families of these children and reinstate Firvale a local facility for local children so that parents can get some local respite care."*

*"I hope respite don't get cancelled my daughter doesn't attend Firvale, however she does attend Rainbow Corner and they struggle to have enough places.*

*Without respite our children can't have a break away from other siblings that can cause them stress, it's also a major help for us parents to get a break. Without these breaks, I get two nights a month. I'm not sure how we could survive, to know our children are safe and well do we can have some free calming time if not getting hurt or emotionally hurt. Please reconsider as this will be so unsettling for the community."*

## Methodology

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- The consultation was open from 17 January until 28 March 2022; it was an open consultation, so respondents were self-selecting
- An online Response Form was provided through which respondents could respond as an individual, in an official capacity on behalf of an organisation, business or group, or in their capacity as a democratically Elected Representative
- Respondents were also able to submit responses via email, letter, or telephone, which are referred to as 'unstructured responses'
- The consultation was communicated through a range of channels, including:
  - letters to individual service users, who were also directly engaged by their social workers
  - emails and messages to stakeholders, including engagement with the Hampshire Parent and Carer Network (HPCN), and schools;
  - social media posts;
  - media briefing work that was picked up by news organisations;
  - internal communications at Hampshire County Council; and
  - four consultation information sessions held in locations around Hampshire, and three online sessions, which received approximately 20 attendees overall
- Open-ended responses were analysed using an inductive process to draw out and quantify key themes; all verbatim comments have been provided to the project team

## Who responded?

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Of the 56 responses provided via the Response Form:

- 1 was from an organisation (a school)
- 3 responses were received from Councillors in Hampshire
- 52 were from individuals. Of those who specified\*:
  - 33 had used overnight respite at Firvale, 17 were related to, or lived with, someone who has used services at Firvale, 4 were support workers for families with a child with Special Educational Needs or Disabilities, and 1 worked at Firvale
  - 29 lived with children or young people under the age of 26, of whom 25 had Special Educational Needs or Disabilities, and 11 use overnight respite services (6 at Firvale)
  - 2 were aged under 25, 17 were aged 25-44, 21 were aged 45 to 64, and 4 were aged over 65
  - 33 were female and 12 were male
  - 15 had a health problem or disability, and 26 did not have these issues
  - 10 had a household income of up to £30,000 per year, 11 had a household income of £30,001 to £60,000 per year, and 1 had a household income of over £60,000 per year
  - 3 were from ethnic minority groups and 41 were from White English, Welsh, Scottish, Northern Irish, or British groups



## Equality Impact Assessment

### What is an Equality Impact Assessment (EIA) and why does the County Council do them?

The [Public Sector Equality Duty](#) (PSED) is an obligation within the [Equality Act 2010](#) ("the Act"), which asks public authorities, like Hampshire County Council, to give 'due regard' to equality considerations, in particular to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

This includes assessing the impact of policies and practices on individuals and communities with a protected characteristic, as defined in the Act and some other specific groups. The County Council uses EIAs to ensure it has paid 'due regard' to equalities considerations when there are changes to a service or policy, a new project or certain decisions.

EIA author	Position & Department	Contact
Owain Hale-Heighway	Senior Consultant Children's Services	owain.hale-heighway@hants.gov.uk Tel:

Title:	Proposed changes to respite provision for children with disabilities
Related EIAs:	None

EIA for Savings Programme:	Yes EIA - Childrens Services - Respite - October 2022
Service affected	Changes to the provision of respite services for children with disabilities, including the potential closure of Firvale Residential Respite Unit
Description of the service/policy/project/project phase	<p>In March 2020, during the national coronavirus lockdown, the Ofsted registered social care Firvale residential respite unit was temporarily closed. Prior to closure, 12 children were receiving Overnight Respite (ONR) provision at Firvale. A further 14 young people were awaiting ONR provision. These children and their families have received ongoing support from Social Workers to identify alternative services to meet assessed social care needs. Hampshire County Council (HCC) has a statutory duty to provide respite support for children with disabilities and their families. Respite can be provided in many forms and is provided on the basis of assessed need. HCC has provided respite through both in-house capacity and through commissioning services from the provider market. Respite can be provided as an overnight break, in the child's home with support from Direct Payment workers, in external settings, or through other interventions such as Foster Care, or Family Therapy; in some cases, a combination of support is used to meet assessed needs. HCC is recommending that Firvale remains closed and alternative services and provisions used to meet assessed respite needs. HCC believes that the assessed needs can continue to be fully met through alternative, more cost-effective provision. For Firvale to remain closed, alternative provision will need to be commissioned. Alternatives may include respite purchased from external providers, the offer of a Direct Payment or Personal Budget, the use of Specialist Respite Care with foster carers, care support, or the use of technology in the home and the community. Since closure in March 2020, social workers have worked with children, their families and carers, and the provider market to meet assessed respite needs. Where appropriate interim measures have been put in place, such as the provision of Care Support workers or access to an alternative residential respite setting. Families who may have used Firvale in the future will also be offered respite provision from these alternative services where they have been assessed as being appropriate to meet their needs. These proposed change form part of the wider Savings Programme to 2023 – Revenue Savings Proposal. These proposals were approved by the Executive Lead Member for Childrens Services in September 2021. The detailed savings proposals were</p>



submitted to Cabinet in October 2021 and subsequently full County Council in November 2021. At the Executive Lead Member for Children's Services Decision Day, held on 14th January 2022 permission to consult on proposals for social care provision for overnight short breaks at Firvale Residential Respite Childrens Unit to remain closed were approved. Following this approval both public, and staff consultations were undertaken both of which ran for 10 weeks, from January - March 2022.

New/changed service/policy/project

Since the outbreak of Coronavirus in March 2020, social care provision at Firvale Overnight Residential Respite Unit has been closed. It is proposed that Firvale is permanently closed. Throughout the current closure social workers have supported service users to access respite either through alternative overnight respite from commissioned third party providers, or through alternative forms of support. The proposed closure would mean that ONR is provided through third party services. Children's Services has a commissioning framework in place ensuring that providers have met agreed standards and quality requirements. The tender ensures that due diligence has been undertaken and that pricing is agreed with each provider. The proposed service changes will have the following:

- No overnight social care respite will be provided at Firvale
- The social care capacity at Firvale would be permanently closed
- Families will receive alternative services which could include respite purchased from external providers, the offer of a Direct Payment or Personal Budget, the use of Specialist Respite Care with foster carers, the use of technology in the home and the community or care support provided in the home or the community, or a combination of these provisions, assessed according to need.
- The distance some families need to travel to access their alternate respite provision may change, for some this could remove the need for any travel if respite in the home is appropriate for others the journey may increase.
- Families who are current users of Firvale may have to experience a period of adjustment as they become familiar with the new services which will meet assessed needs. The proposed changes will mean that children and their families will benefit from increasingly modern and efficient services, enabled through further use of technology and, where appropriate, delivered within their own homes. Children and their families may have greater flexibility and choice in terms of the services available to support them. Children and families may find that the services they need are delivered in different locations, by different organisations and in different ways. External service providers would share greater accountability for supporting children and their families, with

commissioning increasingly focussed on achieving outcomes and supporting the development of independence skills. The way in which services are paid for may change if voluntary and community organisations are commissioned directly by families due to increased use of personal budgets. Please note, HCC will continue to meet its statutory requirements, and the assessed needs of children and young people. The means and location of assessed needs being met may, for some service users, be subject to change. These are examples of potential impacts; specific impacts will depend upon the options considered and agreed, and the assessed needs of each child in receipt of respite.

## Engagement

In January 2022, the Executive Lead Member for Children's Services gave approval to undertake a public consultation on the proposal for the social care respite provision at Firvale, to remain closed. In addition to the public consultation staff were also engaged in a consultation process. Consultations ran for 10-weeks from 17 January – 28 March 2022.

To ensure access to the public consultation both in-person and online sessions were facilitated during the consultation period. The consultation was publicised through social media outlets, including Facebook, Twitter and Nextdoor. The consultation was also publicised through School Communications updates, and with the Hampshire Parent and Carer Network (HPCN) to ensure that there was sufficient and widespread awareness of the consultation.

In addition, a letter was sent to a parent/guardian of each child who had been accessing respite provision at Firvale up to its closure due to the pandemic in March 2020. Social Workers also ensured that all affected families were aware of and had the opportunity to respond to the consultation.

In total 58 responses were received during the consultation period. The breakdown of these responses is set out below.

Of the responses that were provided 56 were submitted via the Response Form, and 2 'unstructured' responses via email were also received. 52 responses were received from individuals, 3 responses were received from Councillors in Hampshire and 1 response came from an organisation.

Of those who provided a response we learned that:

### Respondents' relationship with Firvale

- 91% had used, or were related to someone who had accessed overnight respite at Firvale
- 7% were support workers for families with a child with Special Educational Needs or Disabilities,
- 2% worked at Firvale

## Children and Young People

- 41% live with children or young people under 26
- 35% had Special Educational Needs or Disabilities
- 15% had use overnight respite services
- 8% had use overnight respite services at Firvale

## Age of respondents

- 5% were aged under 25
- 36% were aged between 25-44
- 48% were aged between 45-64
- 9% were aged over 65

## Gender

- 73% of respondents identified as female
- 27% of respondents identified as male

## Respondents' health problems or disability

- 37% had a health problem or disability,
- 63% did not declare a disability

## Respondents' household income

- 45% had a household income of up to £30,000 per year,
- 50% had a household oncome of £30,001 to £60,000 per year,
- 5% had a household income of over £60,000 per year

## Respondents' ethnicity

- 7% were from ethnic minority groups
- 93% were from White English, Welsh, Scottish, Northern Irish, or British groups

The staff consultation exercise was undertaken by HR, it followed the agreed and established principles, including engagement with relevant Trade Union representatives. All affected staff were given the opportunity to review, comment and provide feedback on the proposals.

Impact on public	Negative - Low
Impact on staff	Negative - Low
Rationale	<p><b>Public impact</b></p> <p>Respite services at Firvale have been provided for eligible children between the ages of 5-18 who live at home with their parents or carers and who have been assessed and are approved for overnight respite. Due to restriction imposed due to Covid Firvale was closed to service users in March 2020. At this time there were 12 children and young people using Firvale, and a waiting list of 14 children and young people. The average age across these groups was 13 years old, ages ranged from 6 – 16.</p> <p>The impact of the proposed change has been assessed as negative low for the following reasons; due to their age, the impacted children and young people may have found the move to alternative respite provision challenging; they may have difficulty in acknowledging and understanding the change in their provision, they may find it difficult to manage the endings and goodbyes, and they may have difficulty settling into new and unfamiliar care surroundings. The changes proposed will mean short term disruption for some who access these types of service which could have a negative impact, however, the longer-term impact is likely to be neutral.</p> <p><b>Staff impact</b></p> <p>Based on staffing data as of 20 July 2022 there are 8 individual members of staff who work at Firvale. These members of staff are contracted to work a variety of hours.</p> <p>The staff age profile for Firvale staff is broadly in line with both the averages for all Hampshire County Council staff and for the Children's Services Department.</p>
Mitigation	<p><b>Public impact mitigation</b></p> <p>If the decision is made to close Firvale, Social Workers will continue to support children through a managed transition to a new service, agreed with their family, which is appropriate to the child's age and level of understanding. Opportunities will be put in place to enable 'goodbyes' to be managed.</p> <p>Children will be supported to build trusting relationships with new staff and supported to settle into a new environment. There would be opportunities for the child to be visited by staff from their new provision at home, to make visits to the</p>

provision and for HCC staff, as well as parents to share information about the children they care for with the new provider.

**Staff impact mitigation**

It is anticipated that the majority of the 8 members of staff affected by the proposals will be permanently redeployed into alternative roles within Children’s Services. A small minority of staff members have been invited to apply for enhanced voluntary redundancy as, due to the specific nature of the roles these individuals hold there is no anticipated suitable alternative role available. Subject to a decision to permanently close Firvale it is proposed that these members of staff leave on grounds of redundancy in February 2023. If they do not apply for enhanced voluntary redundancy (EVR2), they will be eligible for redeployment support and compulsory redundancy would be a last resort.

Disability

Impact on public	Negative - Low
Impact on staff	Negative - Low
Rationale	<p><b>Public Impact</b></p> <p>No respite has been delivered from Firvale since March 2020 because of restrictions imposed due to the coronavirus pandemic. The children who have received social care respite provision from Firvale have a range of mobility, learning, physical and sensory disabilities. Most users are recorded as having one or more types of disability. Conditions include: severe learning disability, profound and multiple learning disabilities, and complex health care needs; often in combination with other disabilities such as ADHD; Autism; Cerebral Palsy; and Down's Syndrome.</p> <p>Due to their disability, the impacted children and young people may have found their move to another overnight residential respite setting or alternative form of provision difficult; they may have experienced difficulties in acknowledging and understanding the change in their provision, they may also have found it difficult to manage the endings and goodbyes, and they may have experienced difficulties settling into new care surroundings.</p> <p><b>Staff Impact</b></p>

A small number of Firvale staff members have declared a disability. As a proportion of staff this is higher than both the departmental and organisational wide averages. It should, however, be noted that whilst higher than HCC averages, it is based on a very small cohort, of 8 members of staff.

## Mitigation

### **Public Impact Mitigation**

If the decision is made to close Firvale, Social Workers will support children to have a managed transition to a new service, agreed with their family, which is appropriate to the child's age and level of understanding.

Opportunities will be put in place to enable 'goodbyes' to be managed. Children will continue to be supported to build trusting relationships with new staff and supported to settle into their new respite provision. There would be opportunities for familiarisation visits with staff from their new provision, children and their families have been offered visits to their new provision. Social workers will ensure that parents and carers are able to share relevant information about the children they care for with the new provider.

### **Staff Impact Mitigation**

Hampshire County Council is a Disability Confident Employer. We seek to:

- Build a workforce which reflects the diversity of the local community. We encourage applications from people from all backgrounds
- Remove discrimination against any employee, worker or job applicant in their access to employment, training, working conditions, treatment at work, promotion or dismissal
- Ensure our recruitment processes are inclusive and accessible
- Communicate and promote our vacancies in methods accessible for all
- Offer interviews to any disabled person who meets the essential criteria for the role
- Anticipate and provide reasonable adjustments for staff and candidates, as required
- Support any existing employees who acquire a disability or long-term health condition

In addition, the EVR scheme would be open to all eligible staff and consideration of all applications would be carried out fairly, regardless of any declared disabilities of the applicant. The terms of the EVR scheme represent an enhancement ameliorating the adverse impact of the reduction of staff numbers (FTE).

In line with HCC policy, reasonable adjustments would be made for any member of

staff with a declared disability who takes up a role offered through redeployment.

### Gender Reassignment

Impact on public	Neutral
Impact on staff	Neutral
Rationale	For both the public and for staff this proposal is considered neutral in relation to the protected characteristic of Gender Reassignment.
Mitigation	

### Pregnancy and Maternity

Impact on public	Neutral
Impact on staff	Neutral
Rationale	For both the public and for staff this proposal is considered neutral in relation to the protected characteristic of Pregnancy & Maternity.  In line with HCC redeployment policy any staff member on maternity leave would hold a priority redeployment status.
	Page 55

Mitigation	
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## Race

Impact on public	Neutral
Impact on staff	Neutral
Rationale	<p>Of the cohort of 26 children and young people who were accessing or awaiting access to respite provision at Firvale at the point of its closure due to coronavirus restrictions in March 2020, 23 identified as 'white British'.</p> <p>This figure of over 10% of service users coming from non-white-British heritage is higher than the general population in Hampshire.</p> <p>HCC will work with its provider partners ensuring that the alternative services and provision offered is culturally appropriate for all service users.</p>
Mitigation	

## Religion or Belief

Impact on public	Neutral
Impact on staff	Neutral
Rationale	<p>There is no data available on these elements for either service users or staff.</p> <p>For both the public and for staff this proposal is considered neutral in relation to the protected characteristic of religion and belief.</p>



Mitigation	
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Sex

Impact on public	Neutral
Impact on staff	Negative - Low
Rationale	<p><b>Public impact</b></p> <p>Firvale has supported both male and female service users. The cohort of 26 children and young people who were accessing, or awaiting access to respite provision at Firvale at the point of its closure due to coronavirus restrictions in March 2020 included 15 males, and 11 females</p> <p>All alternative respite services are open and inclusive to both male and female service users.</p> <p><b>Staff Impact</b></p> <p>All Firvale staff are female. Across all Hampshire County Council staff 76.44% are female, within Childrens Services Department this rises to 85%. Figures from Skills for Care (2020) "The State of the Adult Social Care Sector and Workforce in England" indicate that in 2019/20, women made up 83% of care workers and home carers ( <a href="#">Social-care-gender-and-Covid-19.pdf (wbg.org.uk)</a>). It should be noted that whilst higher than the averages for this sector, it is based on a very small cohort, of 8 members of staff.</p>
Mitigation	<p><b>Staff Impact Mitigation</b></p> <p>The EVR scheme would be open to all eligible staff and consideration of all applications would be carried out fairly, regardless of the sex of the applicant. The terms of the EVR scheme represent an enhancement, ameliorating the adverse impact of the reduction of staff numbers (FTE).</p>

## Sexual Orientation

Impact on public	Neutral
Impact on staff	Neutral
Rationale	For both the public and for staff this proposal is considered neutral in relation to the protected characteristic of sexual orientation. There is no data available on these elements for either service users or staff.
Mitigation	

## Marriage and Civil Partnership

Impact on public	Neutral
Impact on staff	Neutral
Rationale	For both the public and for staff this proposal is considered neutral in relation to the protected characteristic of Marriage and Civil Partnership.
Mitigation	

## Poverty

Impact on public	Negative - Low
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Impact on staff	Negative - Low
Rationale	<p><b>Public impact</b></p> <p>Research published in January 2022 by the Joseph Rowntree Foundation (<a href="https://www.jrf.org.uk/file/58886/download?token=8bgbK-4t&amp;filetype=full-report">https://www.jrf.org.uk/file/58886/download?token=8bgbK-4t&amp;filetype=full-report</a>) found that poverty rate for individuals who live in families where someone is disabled is 31%, 12 percentage points higher than those who live in families where no-one is disabled. Of all families in poverty, just under half contain someone who is disabled, compared with 3 in 10 of families not in poverty.</p> <p>The Joseph Rowntree Foundation (JRF) has identified several drivers of poverty for disabled people in the UK:</p> <ul style="list-style-type: none"> <li>• disabled people face higher costs of living</li> <li>• there is a sizeable difference in the highest level of qualification between those who are disabled and those who are not: 19% of disabled adults have a degree or above, compared with 35% of non-disabled adults</li> <li>• disability, ill-health, and society's response to these conditions often prevent people from working. For example, disabled people tend to earn less than their non-disabled counterparts even if they have the same qualification levels.</li> </ul> <p>Poverty varies by who is disabled within the family and is especially high where there are both disabled adults and children. At 40%, it is more than double the rate of families where no-one is disabled. The risk is also high among families where there is a disabled adult only, at 31%. Given this is a large population group, this equates to just under six million people in that family type living in poverty.</p> <p>Some children and families may need to travel further to access overnight respite with a different provider, potentially increasing travel costs incurred by families. As a result, families on low incomes or experiencing financial hardship may experience an increase sense of financial pressure.</p> <p><b>Staff Impact</b></p> <p>Of the 8 members of Firvale staff 5 are working in D or E grade roles. This is a higher proportion of staff (62.5%) than the departmental and organisational average (of 33%, and 31% respectively). These roles attract a pay range between £21,778 and £30,101. In 2021 the median wage for a social care worker was £15,522 (<a href="#">Social-care-gender-and-Covid-19.pdf (wbg.org.uk)</a>).</p> <p>It is anticipated that the majority of the 8 members of staff affected by the proposals will be permanently redeployed to alternative roles within Children's Services. The proposal could lead to enhanced voluntary redundancy or compulsory redundancy</p>

for a minority of staff members, leading to a loss of earnings and confidence in going for further employment.

Mitigation

**Public Impact Mitigation**

When planning for alternative provision, transport to or from overnight respite has been considered with families where appropriate and in some cases travel support/assistance has been provided. The County Council is committed to ensuring that families remain able to access provision that will meet their child's needs.

The County Council would continue to actively work with independent providers to develop the marketplace for overnight residential respite and a range of other services, to ensure that there is sufficient capacity going forward.

**Staff Impact Mitigation**

It is anticipated that the majority of the 8 members of staff affected by the proposals will be permanently redeployed into alternative roles within Children's Services. A small minority of existing staff have been invited to apply for enhanced voluntary redundancy as there are no anticipated suitable alternative roles available. If these staff members do not apply for enhanced voluntary redundancy, they will be at risk of compulsory redundancy and will be eligible for redeployment support. Compulsory redundancy would be a last resort.

Rurality

Impact on public	Negative - Low
Impact on staff	Neutral
Rationale	<p><b>Public impact</b></p> <p>Using the district council areas as an indicator of the service user's home location:</p> <p>As of March 2020, of the 12 Plymouth service users 6 lived in Basingstoke, 2 in</p>

Eastleigh, and 1 in each of East Hants, Hart, Rushmoor and Southampton areas of the county.

The location of the provisions that are now being accessed has changed for all service users, and for some service users this may mean that additional travel time is required. In the consultation users have mentioned the negative impacts of needing to travel further to access alternative provision if Firvale were to close. Potential impacts that were highlighted included the extra financial, time and stress burdens placed on service users and their families by the need to travel further to access respite. Respondents were also concerned about the loss of valuable respite time due to the additional journey length.

**Staff Impact**

For staff, this proposal is considered neutral in relation to the protected characteristic of rurality.

Mitigation

**Public Impact Mitigation**

All children and young people who previously accessed respite provision at Firvale, and those on the waiting list have now been offered a meaningful and suitable form of respite provision that meets the assessed needs.

When planning for alternative provision, transport to or from overnight respite has been considered with families where appropriate and in some cases travel support/assistance has been provided. The County Council is committed to ensuring that families remain able to access provision that will meet their child's needs.

Geographical Impact:All Hampshire

## Equality Statement

Additional information:

None

Overview Statement:

EIA reference number: 00272

Date of production of EIA for publication: 27/09/2022

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Children and Young People Select Committee
<b>Date:</b>	17 October 2022
<b>Title:</b>	Special Educational Needs and Disabilities (SEND) 0-25 Update Report – SEN Performance and Joint Working
<b>Report From:</b>	Director of Children’s Services

**Contact name:** Jayne Howarth, County Education Manager Inclusion, Hampshire County Council  
Matthew Powell – Associate Director, Isle of Wight and Designated Clinical Officer for SEND

**Tel:** 0370 779 3373  
07387 257473

**Email:** [jayne.howarth@hants.gov.uk](mailto:jayne.howarth@hants.gov.uk)  
[matthew.powell7@nhs.net](mailto:matthew.powell7@nhs.net)

### Purpose of this Report

1. The purpose of this report is to provide an annual update on progress against the Special Educational Needs and Disabilities (SEND) Reforms Implemented in 2014. The Select Committee received the last SEND update report on 10 November 2021.

### Recommendations

2. For the Children and Young People Select Committee to note the update.

### Executive Summary

3. This report covers the updates on:
  - Special Educational Needs (SEN) Service, Education Health and Care assessments and reviews.
  - Development of the digital Education, Health and Care (EHC) Hub.
  - The work of Hampshire Parent Carer Network.
  - SEN Support and Inclusion within mainstream education settings.
  - SEN out-of-county placements.
  - The SEN Capital Place Planning Strategy (specialist provision).
  - SEND Hampshire Area Preparation for Adulthood work.
  - The work of the Independent Futures Team.

- The role of Designated Clinical Officer and Health Services.
- The First-Tier Tribunal and the Single Route of Redress.
- The Hampshire Local Offer <https://fish.hants.gov.uk/localoffer>;
- The outcome of the SEND Ofsted / Care Quality Commission (CQC) Inspection.
- Delivering Better Value Programme
- High Needs Performance Oversight Programme

## **Background information**

4. The SEND Reforms have been undergoing implementation since September 2014 following the Children and Families Act 2014. This has been a journey for all Local Authorities and in Hampshire the key changes have been:
  - A strengthened focus on parents, carers and children and young people's strategic and individual engagement with all agencies and partners.
  - The introduction of Education, Health and Care Plans (EHC Plans) 0-25 for those with the most complex needs, replacing statements of SEN and Learning Difficulty Assessments.
  - The establishment of a 'SEND Local Offer' and improved impartial information, advice, and support.
  - A strengthened focus on SEN Support and the graduated response particularly around the early identification of needs and how effectively needs are met to improve outcomes for Children and Young People (CYP) with SEN.
  - Increased joint planning and commissioning of services to ensure close co-operation across education, health, and social care 0-25.
  - A strong focus from Year 9 on preparation for adulthood to ensure that young people can live their lives as an adult as independently as possible. A key element here is raising aspirations around employment.
5. A five-year joint Ofsted and Care Quality Commission (CQC) SEND Inspection framework was introduced from May 2016 to assess how well Local Authorities have responded to the new statutory duties. Hampshire was inspected in March 2020 under this inspection framework. The inspection highlighted numerous areas where the Local Authority has been successful in meeting the needs of children and young people with SEND and noted that the Local Authority knows itself well and has robust plans in place to progress and improve our work further. The inspection report can be found in Appendix 1. The DfE is currently working on a new Ofsted framework which is being tested with a few authorities.
6. While the reforms have been welcomed in many ways, they have led to a steady rise in the number of EHC Plans maintained within the Local



Authority.

- Between 1 January 2022 – 31 August 2022 there have been 2,024 requests for an EHC Needs Assessment. The same period in the previous year was 1,505 which is a 34.5% increase. The graph below shows demand across the year for several years.

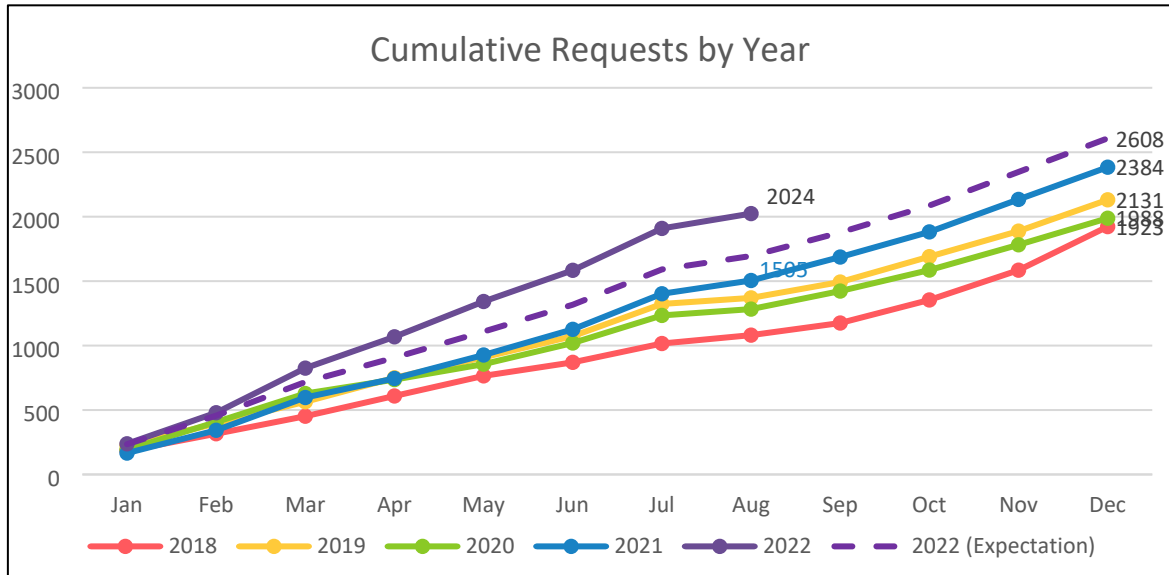


Chart 1: No. of requests received across the calendar year 2018 – 2022 including forecast

- There has also been a rise in the number of plans being maintained. As of 31 August 2022, there were 14,174 EHC Plans being maintained, a 21% increase on the same time last year. The growth in EHC Plans across the age ranges is varied, with all age ranges seeing a rise in numbers and particular growth in the post 16 age ranges. Overall, since the reforms took effect in 2015 there has been a 155% increase in the number of EHC Plans being maintained (as at January 2022).

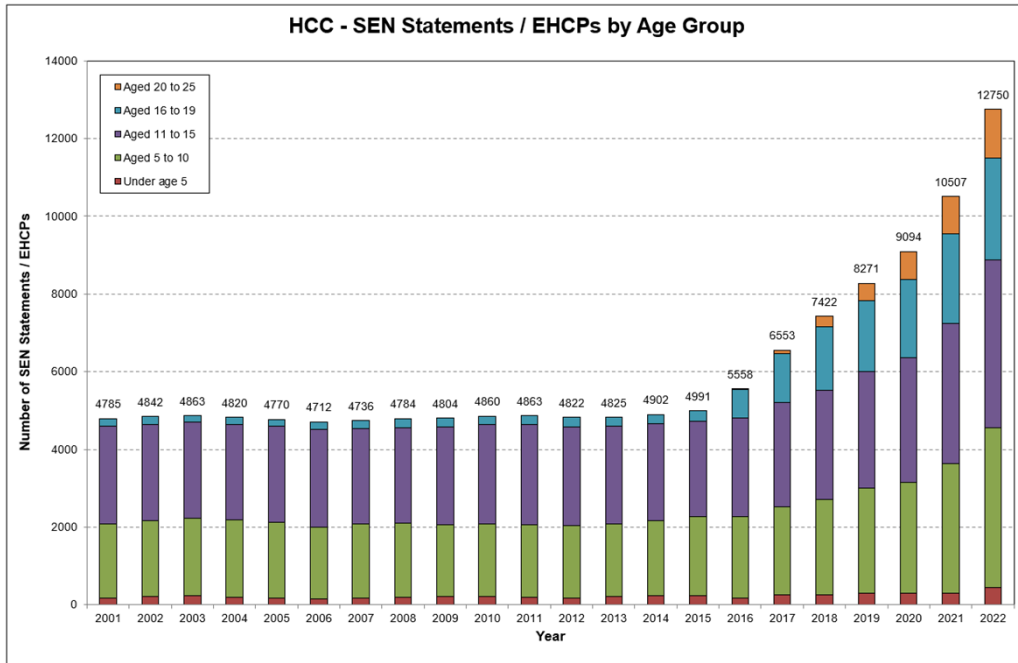
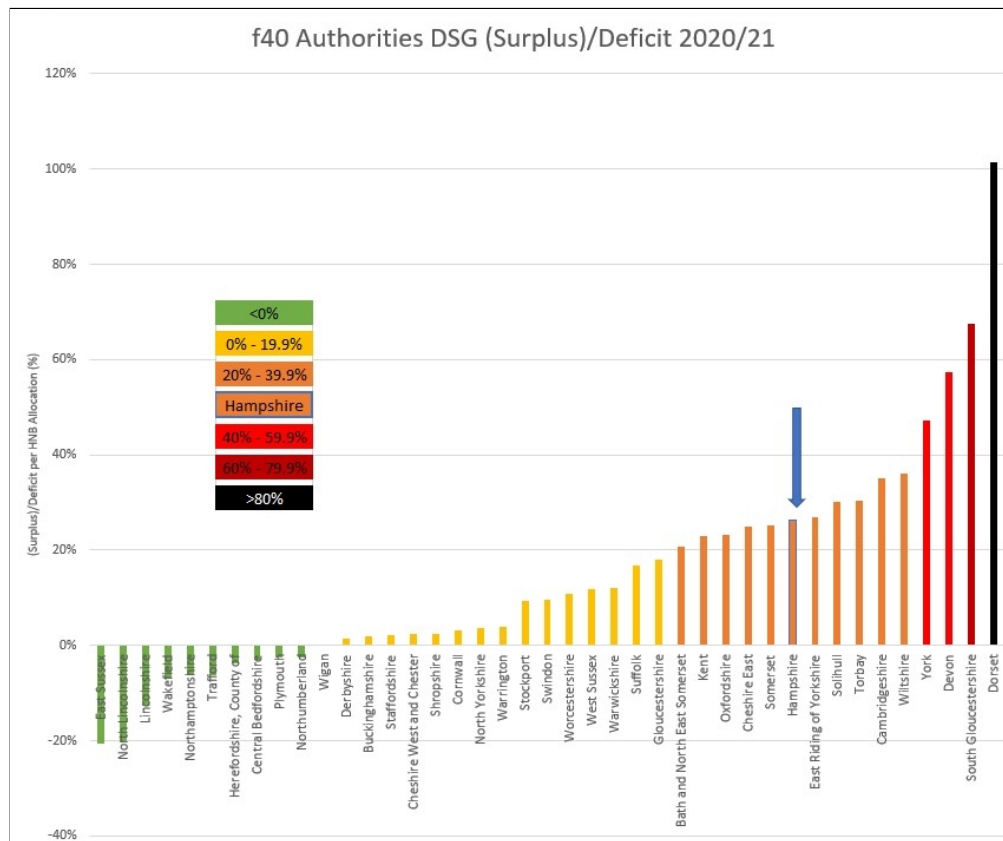


Chart 2: Number of statements/EHC Plans being maintained (as at January 2022 census date) by age group

9. The large increase in post 19 young people reflects the extension of the age range from 19 to 25 years implemented through the 2014 reforms. This means that we will see an increase in plans as the 19-year-old cohort fully evolves by 2025. Typically, around 90% of this cohort stays in education year on year.
10. The increase in plans places a pressure on the high needs budget which is part of the dedicated schools grant funding provision for pupils with special educational needs and disabilities. The budget for 2021/22 was £143.1 million but there was an overspend of £27.7 million. The overspend reflects the overall increase in plans, which includes post 19 young people (which have never been additionally funded by the government). The expenditure also relates to the need to place more children and young people in the independent non-maintained sector due to lack of places in the state funded sector.
11. The graph below shows the level of High Needs deficit as a proportion of the LA's High Needs Block based on the S251 return for the LAs in the f40 group. The calculation of the high needs block is done by national formula and includes a significant historical spend element. As a council that had been able to manage SEN rates effectively for many years this has meant a relatively low level of funding going into the High Needs Block relative to some other authorities. As you can see, Hampshire is (at this point) not an outlier in terms of deficit, however we are at the top end of the following group. Just to note, several of the outliers have been subject to DfE

intervention regarding the size and management of their High Needs Budget. Hampshire is currently under the Delivering Better Value program, further information on this is detailed later in the report.



### SEN Service Education Health and Care Assessments and reviews

12. The SEN Service should complete all EHC Needs Assessments within a 20-week timescale. The Hampshire performance for 2021 was 15.8% which was much higher than that in 2020 (1.6%). This is an average of the performance over the calendar year. The national average for 2020 was 58.0% and for 2021 the national average was 59.9%.
13. As of the 31 August 2022, the 20-week performance has increased to 64.4%, in month, which is above national average. The rolling cumulative average is projected to being in line with the national average by the end of the next academic year. The rolling cumulative average is projected to be in line or above the national average by the end of the next academic year.

14. The following graphs show the number of EHC plans issued each month this year.

<b>Month</b>	<b>Number of plans issued</b>
Jan-22	181
Feb-22	173
Mar-22	219
Apr-22	208
May-22	293
Jun-22	288
Jul-22	230
Aug-22	191

*Table 1: Number of EHC Plans issued per month*

15. The staffing capacity across the SEN Service has been increased through a £1.6m investment in additional staff to cope with the increased level of assessment work but also to ensure that business as usual work is completed in line with statutory deadlines set out in the Code of Practice.
16. The increase in requests for specialist placements for children and young people is a concern across the service. Increasingly, mainstream schools are more frequently saying that they are unable to meet the needs of pupils, citing concerns with funding, difficulties with recruiting support staff or specially trained teachers and limited flexibility in their ability to adapt the curriculum or environment.
17. More specialist provision has and is still being developed. Hampshire Children's Services opened Austen Academy in April 2021 and in September 2022 opened Cody Oaks, which is attached to Samuel Cody in Farnborough. However, it is not possible to build additional school places at the rate at which EHCPs are increasing, meaning that there is a rise in requests for placements in the independent sector as a high number of pupils have not been able to access a specialist provision in their local community. This means that the service is constantly dealing with high levels of casework, which needs problem solving.
18. The phase transfer deadlines are the 15 February (for Years -1, 2 & 6) and the 31 March (for Years 11, 12, 13 & 14). 98% of the Year -1, 2 and 6 plans were finalised by the deadline and the remaining 2% were finalised the following day. This is a huge improvement compared to the previous year where 68% were finalised by the deadline.
19. 72% of all post-16 phase transfers were met by the statutory deadline of the 31 March including 91.4% of the Year 11 cohort. This represents an

improvement on last year, where 14.6% of Year 11 phase transfers were finalised by the deadline.

20. The proportion of SEND young people who are NEET (Not in Education or Training) is 6%, below both the regional and national averages of 7%.
21. The DfE will start to monitor the processing of Annual Reviews as part of the SEN2 data collection process from 2022, although the submission of data will not be mandatory until 2023. Therefore, it is a clear priority for the SEN service moving forward to ensure that annual reviews are processed in line with the timeline set out in the Code of Practice.
22. In each section we will summarise our position in a table as follows:

Strengths	<p>the improvement in processing more EHC requests in 20-weeks has made a big difference in moral across the service but has also reduced the number of complaints from parents and schools.</p> <p>A growing workforce, which has access to senior staff who are knowledgeable about the Code of Practice and who are able to support them with their decision making.</p> <p>Additional capacity both at management and casework level is continuing to make a difference for the service.</p> <p>Closer working relationships are starting to develop with linked services, schools, and parents due to greater capacity.</p> <p>Virtual meetings have aided capacity in the service which has enabled staff to attend more meetings.</p> <p>Moving to being a data driven service with clear targets and expectations has had a very strong positive impact.</p>
Areas of focus	<p>To continue to recruit staff who have experience in SEND.</p> <p>To have regular training sessions for all SEND service staff with 'drop in sessions' for those who need further support.</p> <p>Working with colleagues across education to provide support for children to enable them to remain in their local mainstream school, where appropriate.</p> <p>Continued development of additional specialist provision.</p> <p>Continued drive to meet statutory deadlines, including the improvement of the annual review process.</p>
What we are doing about it	<p>Rolling programmes of recruitment for key roles and proactive use of agency staff to fill service gaps.</p> <p>SEN Dashboard is being used to continue to drive service improvements, which includes 20-week, annual review and helpdesk contact information. To continue to develop the</p>

	SEN Digital Hub, so that moving forward all placement consultations can be sent to schools via this method.
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### Digital EHC Plan Hub

23. The EHC Hub is a software programme which covers the key elements for the workflow of the statutory SEN processes which include:
- Requesting and carrying-out the statutory Education, Health, and Care (EHC) needs assessments.
  - Drafting and finalising the EHC Plan.
  - Conducting and concluding the EHC Plan Annual Review.
  - Consulting with education settings for a potential placement.
24. The following progress has been made with the Hub in the past year:
- The number of partner agencies using the Hub to provide their advice has increased. An implementation programme has just been agreed with Health services to bring them online over the autumn and spring terms.
  - Education setting contact information is being updated within the EHC Hub. We will be rolling out training to settings during the autumn and spring terms to allow Hampshire settings to be consulted for placements directly within the EHC Hub. This will begin with maintained and academy special schools (27 settings) before expanding to mainstream settings and finally independent schools both in and outside of Hampshire.
  - 7,000 older cases (pre-EHC Hub) were imported into the Hub during the 2021/22 academic year, with the remaining 2,000 being imported by the end of 2022.
25. To complement the digital EHC Hub there is a focus on person centred approaches. This is a requirement within the SEND Code of Practice which sets out how professionals should co-ordinate the development of the EHC plan with parents, children and young people being at the heart of the process from the outset as part of the graduated response in education settings.

26.

Strengths	<p>The EHC Hub is providing efficiencies within the SEN Service, almost all children and young people now have their EHCP hosted within the Hub.</p> <p>An increasing number of education settings are using the Hub to conduct annual reviews.</p>
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Areas of Focus	Completing the onboarding of partner agencies to provide their assessment and review advice directly within the EHC Hub.
What we are doing about it	Providing guidance and training to partner agencies on using the EHC Hub.

### **Hampshire Parent Carer Network**

27. Hampshire Parent Carer Network (HPCN) is a parent / carer forum working throughout Hampshire. Members of the organisation are parent / carers of children and young people with special educational needs and/or disabilities aged 0-25 years, associated professionals, and affiliated groups. The organisation offers participation training to parent / carers to enable them to become representatives and work alongside the professionals who provide health, education, adult and social services to children and young adults. HPCN representatives sit on many of the groups and boards associated with work within SEND services - across Education, Health and Social Care.
  
28. HPCN sends a monthly newsletter to all its members to keep them updated with what the parent / carer forum has been doing and what meetings have been attended. The newsletter also enables HPCN to share any surveys or consultations that have been shared with them from partner agencies in Education, Health and Social Care. HPCN also shares updates on its main Facebook page and its local area Facebook pages. There is a steering group of parent / carers and paid staff who support the forum strategically, they meet once a month, they are a wide range of parents and carers that have received training on co-production and attend meetings on behalf of the wider voice of parent / carers in Hampshire.
  
29. HPCN facilitates three different workshops; 'Meet the SEN Team' meetings three times per year. The sessions are recorded for parents who cannot attend and uploaded to the HPCN YouTube channel. These sessions give parent / carers of children and young people with SEND, the opportunity to meet in an informal way with their local SEN Teams, Health Leaders, and other Professionals. From these sessions, it was identified that there was a need for a more open session, so we set up online 'Parent Led Engagement' sessions three times a term alongside Hampshire Special Education Needs & Disability Information Advice and Support Service (SENDIASS) and a SEN Manager. Finally, the SENDIASS Workshop is a monthly workshop run alongside Hampshire SENDIASS on a range of topics such as Annual Reviews and Transitions. All these sessions were moved online via Zoom due to COVID 19; however, it was found that being online allowed a wider

reach across Hampshire, so they are remaining online.

- 30. HPCN holds 'Get Together' sessions across Hampshire each month, these sessions bring parent / carers together to chat and share information, HPCN can signpost families for further support. The sessions are hosted by a trained parent carer representative who will record anonymised information of patterns and trends we can share with professionals at workstream meetings. During COVID these sessions moved to Zoom, they have returned to face to face with the addition of a daytime and evening session to support parents that are unable to attend face to face.
- 31. Future in Mind sessions runs in each of the CAMHS centres in Hampshire to provide vital mental health peer support, these sessions have an hour for parent / carers to chat and share information and then have a 60-minute presentation from a CAMHS practitioner on a pre advertised subject. These sessions run across Hampshire and there is one daytime and one evening zoom session a month to enable parents that are unable to attend in person to join.
- 32. Ask about Autism is a new service designed to help families of children with Autism. This service has been developed in collaboration with BRAAIN and Parent Voice, Isle of Wight. This service is for parent / carers of children and at any stage of an autism journey, from suspected traits to diagnosis and beyond. No diagnosis is needed to access this service and if a diagnosis is not given the service can still be accessed. Ask About Autism offers; workshops, Share and Support sessions across Hampshire and a helpline that offers signposting.

33.

Strengths	<p>HPCN continued to provide vital peer support by continuing to facilitate Get Togethers, Future in Mind and workshops during lockdown and attended a record number of workstream meetings with professionals in Education. Health and Social Care to ensure continued participation during lockdown.</p> <p>HPCN has expanded their Get Together offer with new peer support sessions for under 5's and online only sessions. HPCN have also been successful in starting a Get Together in Havant with a consistent attendance in Havant which is a known seldom heard area of Hampshire.</p> <p>The 'Future in Mind' sessions have continued to be successful and provide key support as mental health services reach unseen pressures. At these sessions parent / carers of children and young people who are on the waiting list for a service or intervention from CAMHS are invited to join each month, with</p>
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	<p>regular talks on subjects such as Anxiety, self-harm, ASD/ADHD pathway.</p> <p>The Ask about Autism service launched in May and has proven to be a vital offer for parent / carers with children and young people that are showing signs of Autism or are waiting on the Autism pathway. The workshops and share and support sessions have been welcomed across Hampshire.</p> <p>HPCN, feel they offer peer support and empower parent / carers with knowledge and resilience so they can get the best outcomes for their children and young people.</p> <p>HPCN is working in collaboration with Hampshire CAMHS to provide a parent / carer led training session for all staff. It is hoped that this will improve communication between parent / carers and professionals by sharing the challenges and lived experience of parent / carers with children and young people accessing CAMHS.</p> <p>HPCN has strengthened their relationships with partners particularly in Education and Health to ensure co production is embedded throughout Hampshire.</p>
Areas of focus	<p>HPCN wants to increase their reach in lesser heard areas such as, ethnic minority families or where English is the second language. It has been hard to engage in some areas of Hampshire, namely the New Forest.</p> <p>HPCN would like to relaunch the Meet the SEN Team workshops to increase the number of parents that attend these sessions.</p> <p>HPCN would like to recruit more parent / carer representatives to ensure we have enough trained reps to meet the demand of the work we do.</p>
What are we doing about it?	<p>HPCN has completed some work with contact and NHSE on Seldom Heard voices to include our knowledge of this subject area and has developed an action plan to implement over the next 12 months.</p> <p>HPCN and the Local Authority have discussed ways to relaunch the service and will ensure parent / carers fully participate in selecting the topics for these sessions.</p> <p>HPCN are now providing participation training each term so new reps can receive participation training without a long wait and have arranged a rep recruitment day for parent carers to come and hear the opportunities available at HPCN.</p>

### **SEN Support within mainstream education settings**

34. The SEND Code of Practice is clear in its expectation of services to meet need at two defined 'levels' along the SEND pathway; firstly, SEN Support

and secondly, with an EHCP (Education, Health and Care Plan). The latter is for those children and young people whose needs are more significant and often longer term, requiring intervention at a deeper and often more complex level. For most children and young people with SEND, however, additionality and/or adjustments to provision at the SEN Support level can be sufficient to meet their needs very effectively.

35. Provision and outcomes at the level of SEN Support is a priority identified by the Local Authority. There is recognition, supported by data, that provision at the level of SEN Support needs strengthening, to secure consistently strong attainment and broader outcomes relative to the national picture for this group of children and young people. Additionally, stronger, and more effective provision at an earlier stage on the SEND pathway can and should reduce the need for an EHCP for some children and young people and therefore help manage demand down.
36. All local authorities are required to have guidance relating to ordinarily available provision, which is a term that applies to SEN Support. Following extensive stakeholder engagement including school leaders and staff, children and young people, parents/carers, and a range of professionals, the SEN Support Guidance for Schools underwent a significant revision and was re-launched in February 2021. The document can be found here: <https://documents.hants.gov.uk/childrens-services/HIAS/SEN-Support-Guidance-for-Schools.pdf>
37. A SEN Support strategy which identifies various workstreams through which the local authority intends to strengthen provision at this level has been in the first phase of implementation since the re-launch of the SEN Support guidance. The focus of a range of activities within the strategy is to influence practice in the classroom and inclusive cultures across education settings.
38. All maintained schools receive an annual one-day visit from HIAS (Hampshire Inspection and Advisory Service). In the academic year 2021-22, SEN Support was a key area of focus, whereby current provision, and ways to promote further developments and improvements were explored. Undoubtedly, by having SEN Support as a focus area for the annual visit, there has been a greater level of both support and challenge to schools in relation to this area. This is evidenced both in the annual reports and increasingly in schools' plans for improvement.
39. A comprehensive professional learning programme is available through HIAS and wider teams such as HIEP (Hampshire and Isle of Wight Education Psychology) and STAS (Specialist Teacher Advisor Service), to raise the profile of SEN Support and strengthen the skills and knowledge of school leaders and their staff. This includes development opportunities

targeted at teachers in the early stages of their careers, SENCos (special educational needs co-ordinators), new and experienced headteachers, and governors. We are also liaising with local teacher training providers to influence thinking and deepen knowledge as part of the learning towards gaining a teaching qualification. This work is on-going and is part of a longer-term strategy, with discernible impact likely to be seen through the quality of provision from the academic year 2023 to 2024 and beyond.

40. In March 2022, schools and early years providers were offered the opportunity to come together in collaborative groups of no less than six, to bid for funding to support research-based, sector-led projects designed to build capacity in meeting need at the SEN Support level. There were 13 successful bids spanning around 80 settings in total. From September 2022, these bids have been developed into project action plans which are now being implemented. Projects are due to run until March 2024, with the intended impact being a more skilled workforce and therefore greater capacity to improve provision and outcomes at the level of SEN Support. An evaluation framework is in place.

41.

Strengths	<p>A clear focus on SEN Support through the work of the Education and Inclusion Branch and across education settings of all ages.</p> <p>Revised SEN Support guidance now being implemented across school settings.</p> <p>A clear strategy to implement our intentions and achieve our goals.</p> <p>A wide-ranging professional development offer to all education settings.</p> <p>Engagement of settings in a sector-led initiative.</p>
Areas of focus	<p>Reaching and influencing all settings and frontline practitioners across a large and complex education system; there are over 10,000 teachers alone (700 joining this year) that we wish to reach, plus support staff.</p> <p>Reaching settings that may traditionally not have engaged with the professional development offer.</p> <p>Realising, embedding, and sustaining changes in both practice and culture across multiple settings.</p> <p>Supporting settings in overcoming the additional challenges of the Covid period and recovery work, in order to maintain a sharp focus on this area; the negative impact of Covid has been greater for particular groups of children and young people, including those with SEND.</p>

<p>What are we doing about it?</p>	<p>Delivery of the strategy. Working in close partnership with education settings and using existing strong, professional relationships to influence the system. Using the limited levers of the local authority, for example the annual school visit, to effect change. Using a sector-led approach to give settings greater ownership of the issue and also the strategies to effect change.</p>
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## SEN Out-County Placements

42. As of September 2022, there were 813 children and young people with SEN placed in independent/non-maintained schools (INMSS) or specialist Post 16 institutions (SPI). This was 645 at the same point last year, which is a 26% increase (double that of the increase of 13% from September 2020 to September 2021). Many placements are made on a residential basis because of home school distance and all the children and young people concerned have an EHC Plan.
43. The total annual cost 2021/22 to the High Needs Funding Block for the out-county placements was £59.6m (this includes the SEN funded element of placements joint funded with health and social care). This is £22.5m (61%) more than the academic year annual costs for 2020/21.
44. The total number of children and young people in independent non maintained out-county placements and the average cost of these placements remains at the highest levels to date.
45. Independent placements can be very effective and lead to positive outcomes for the child/young person through specialist provision which might not be available through local maintained special provision. However, educating children away from their local community can lead to the fracturing of the child/young person's support networks and the monitoring through annual reviews can be more difficult.
46. Since October 2017, SEN staff have been tasked specifically to attend annual reviews for children and young people educated in independent placements, focusing specifically on Year 9 and above. The aim was to ensure improved transition planning for young people in independent placements and, where it was clearly in the interests of the child/young person, to bring them back to Hampshire provision.
47. Cumulative bring back values are demonstrated in the table below:

Academic Year	2018/19		2019/20		2020/21		2021/22		2022/23	
	FTE	Cost (£)	FT E	Cost (£)	FT E	Cost (£)	FT E	Cost (£)	FT E	Cost (£)
2018/19	25	1,393,310	17	839,622	6	280,880	1	33,046	-	-
2019/20	-	-	25	1,266,645	17	763,292	6	255,345	1	30,042
2020/21	-	-	-	-	26	1,446,980	17	857,426	6	284,617
2021/22	-	-	-	-	-	-	32	2,281,277	22	1,396,185
2022/23	-	-	-	-	-	-	-	-	21	1,549,674
<b>Total</b>	<b>25</b>	<b>1,393,310</b>	<b>42</b>	<b>2,106,267</b>	<b>49</b>	<b>2,491,152</b>	<b>56</b>	<b>3,427,094</b>	<b>50</b>	<b>3,260,518</b>

Table 2: Bring back values 2018-23

48. 416 CYP were identified as a priority for review in 2020/21 within INMSS and SPI (348 INMS and 68 SPI). Total of 77 annual reviews attended, which is an increase on the previous year. A total of 26 placements have been identified as ceasing because of the annual review. Four placements would have ceased naturally at the end of the academic year.

49.

Strengths	Continued attendance at annual reviews to bring young people back into their local community. Appointment of Senior Commissioning Manager to the Inclusion Commissioning Team, responsible for INMSS and contract management of the Discretionary Payments Open Framework.
Areas of focus	To develop relationships with suppliers and negotiate discounts. Assess and utilise the availability of spaces within the independent market to support internal planning and forecasting. Contract monitoring to support the Quality Assurance provided by HIAS.
What are we doing about it?	Negotiate with out of county providers in respect of more cost-effective placements, for example through volume discount arrangements.

### SEN Capital Place Planning (specialist provision)

50. As part of the statutory duty to ensure sufficiency of school places, including special school places, a comprehensive analysis of school places and forecast numbers has been undertaken. Forecasting for the growth in demand for specialist provision is complex; appropriately incorporating recent trends in EHC Plan assessments, changes in needs of pupils and how they are best met by an evolving service. A new sufficiency strategy is currently in draft and expected to be published in January 2023.
51. The total number of maintained SEND places available in specialist and resourced provision in Hampshire, at the end of the last academic year, 2021/22, is 76 places in maintained nurseries and an additional 90 hours per Early Learning Group, of which there are 3 (this figure doesn't include special schools that take children from 2 years old); 1745 primary places; 2040 secondary places and 936 places in colleges. For college students, these range from foundation level (in small bespoke classes) to Level 3 students. This figure doesn't include pupils, aged 16-19, in our maintained schools.
52. Hampshire's capital allocation from Department for Education for the financial year 2022-23 to support the creation of new High Needs places or the improvement of existing provision (for pupils with SEND or requiring Alternative Provision (AP)) is £16,960,661. For 2023-24 it is £14,376,225, making a total across the two years over £31million.
53. Hampshire's first Free Special School, Austen Academy, opened in April 2021. This is a 125-place school in Basingstoke for pupils with Autism Spectrum (AS) and social/communication difficulties, with Catch 22 being the approved sponsor. In September 2022, Hampshire has also opened a 90-place co-educational provision for pupils aged 10-16 years with Social, Emotional and Mental Health Needs at Samuel Cody School in Farnborough.
54. Specialist places currently being developed are as follows:

Provision	By when	Number of places
Special Schools	2022/23	110 minimum
	2023/24	67 minimum
Resource Provisions	2022/23	8 minimum
	2023/24	16 minimum
INMSS	2023 - 2025	130

*Table 3: Planned development of specialist places 2022-25*

55. This work will help strengthen our provision offer for the growing number of children with EHC Plans in our local area.

56.

Strengths	Countywide data available on projected growth and therefore strategic planning possible regarding specialist places. Sufficiency Strategy due to be published January 2023
Areas of focus	To understand the uncertainties in our forecasting model and intelligently apply the daily experience of the SEN service and schools to ensure our forward strategy is responsive to evolving pressures.
What are we doing about it?	Analysing projected growth data against actual data and building in flexibility to adjust agreed place numbers (APN) to reflect need. Joining sufficiency requirements with overall SEN strategy.

### **SEND Hampshire Area Preparation for Adulthood**

57. It is our ambition to ensure that all young people have the aspiration, opportunity, and support to live fulfilling and independent lives, placing a clear emphasis on a strong education and training offer that provides a pathway to future employment. Applying a person-centred, strength-based approach, young people with SEND in Hampshire can – and do - access a broad range of services and provisions that support their successful transition to adulthood. We are making good progress against the following preparation for adulthood themes.

58. **Employment** - We have developed a county wide, joined up and high performing employability offer for SEND young people which focuses on maximising progression into sustained and paid employment. 'All our Talents' is the name given to the Hampshire SEND employability plan. It has been developed following direct consultation with young people and reflects what they told us was important to them to lead a fulfilling life. The underlining premise of the plan is that accessing employment ('a good job') supports strong outcomes across the remaining three elements of the PfA framework – independent living, good health and wellbeing, and community inclusion.

59. As part of the All our Talents action plan, four SEND Employability Hubs became operational in Autumn 2020. Designed around a strong employment

pathway, and premised on employer engagement, the first four hubs commenced in Eastleigh, Farnborough, Gosport and Havant/Waterlooville. Eighty places were made available from September 2020, and 55 learners started. This is regarded as a strong start in the context of the global pandemic and the impact it has had – and continues to have – on employer-based work placements, a core aspect of the offer. Nonetheless, confident in the model, a further four Hubs were operational by Autumn 2022 in Basingstoke, Totton, Fareham, and Andover. A supported employment provider, Ways into Work, has been appointed to support the pilot including employer engagement and Tutor professional development.

60. **Independent Living** – The primary enabler of independent living for young people with SEND is to secure paid employment (a ‘good job’). In addition to the employment hubs the offer includes (but is not limited to):
- Embedded support of life skills within post 16 provision.
  - Person-centred travel training, supporting individuals to access and use public transport, included to access work-placements and employment.
  - Care Leaving team’s PROJECT-I initiative, supporting individuals to explore and address practical barriers that is preventing their transition to independence.
  - Independent Futures key workers attached to each schools/college to support transition to independent living.
61. In Autumn 2022, we opened the first of four planned Independence Hubs in Alton. Located at FE colleges (post 16 resource provision), each Hub will support the needs of young people with SLD and/or complex needs, helping them develop independence skills within the communities where they will live and work. The provision will be an alternative to high-cost independent placements, and the network will be extended to six or eight Hubs by 2025, funding allowing. Each Hub will provide up to 40 places across five-year groups each. Further Hubs are planned for Andover, Brockenhurst, and Farnborough (opening 2023).
62. **Community Inclusion** – Young people with SEND have the same aspiration as their peers. Again, in the context of supporting them to develop the skills, knowledge, and experiences to live fulfilling and independent lives, we work with a range of organisations to ensure they the same opportunities and experiences as everyone else.
63. **Health and Well Being** – The offer in Hampshire is broad against this theme and includes (but is not limited to):
- Hampshire Child Adolescent Mental Health Service (CAMHS) outreach services and Fit-Fest, a festival-style event for children, young people, parents, and professionals.



- NHS ‘ready, steady, go’ programme
- No Limits - targeted emotional health and wellbeing courses, Inc. culture/knife crime, cyber safety, child sexual exploitation and drug/alcohol misuse. LGBTQ+ children and young people will be able to access Breakout Youth.

64.

Strengths	Established a strong employability pathway, post 16, for young people with SEND. Significant expansion of the young adult Extra Care supported living accommodation. This has facilitated an increase in supported living placements from 45 in 2017 to 91 in 2019. Further development ongoing.
Areas of focus	Further development of post 16 and post 19 data to inform strategic commissioning. Clarity of the Post 19 offer, which includes identifying any gaps in provision locally to ensure any development aids keeping more children local.
What are we doing about it?	The ‘All our Talents’ plan has so far: Implemented Eight Employability Hubs providing 120 additional places per year, with plans to increase number of sites and capacity per sites in 23/24. Supported the direct HCC delivery (Hampshire Achieves) Supported Internship programme, with plans for a county-wide Supported Apprenticeship offer from 2023 (part funded by the HCC levy transfer) Opened the first Independence Hub, offering 8 places SLD and complex needs Year 12’s learners in mainstream settings, a further three are in development opening Autumn 2023. The four Independence Hubs will be offering 36 places each year, with each site having a capacity of 40 learners over 3-5 years.

### Independent Futures Team (IFT)

65. Adult Social Care provide statutory services to young adults aged 18 – 25. The Independent Futures Team (IFT) support young people and their families who are transitioning to adulthood. Adult Social Care and IFT are responsible for assessing Care Act Eligibility, providing Support plans for those who are eligible and supporting them to transition from Children’s to Adult Services. Adult Social Care and IFT provide signposting, information, and advice to those who do not meet eligibility criteria, both through face-to-face meetings and online advice and information service through our

dedicated websites Connect to Support Hampshire and The Local Offer.

- 66. The IFT work with people from age 14 depending on need until they are 25 or settled. Settled is defined as a young person who has a support plan which has been in place for at least three months and that the person is not in residential educational and will not need alternative accommodation in the next 12 months.
- 67. Hampshire Adult Social Care operates a Hampshire first policy, to ensure that young people maintain links with their networks and communities. This includes a focus on reduction of young people being educated out of county and on ensuring young people are supported to return to their local communities when education has ceased.
- 68. There has been a significant increase of younger people being supported by IFT with significant mental health needs. These young people are often not known to services at year 9, when most people with a learning disability are. This means that there is more limited time to work with them making effective post 18 support planning challenging. As a result, stronger working between IFT and the adult mental health social work team has been established. This is in addition to specialist mental health practitioners within IFT.

69.

Strengths	Improved join up between for those turning 18 who require mental health support. This includes monthly senior management oversight of those most at risk. Consistently ensuring most 17.5 years olds have a support plan in place for when they turn 18.
Areas of focus	There has been more timely joint work between education and IFT in the last year. This will require continued focus to ensure that the increased demand for EHCPs is met for this age group. Those with the most complex needs turning 18, are being accommodated in residential care. Departmentally our strategy is to decrease the use of residential care in learning disability services. This is happening because of pressures in the market which has slowed the opening of new support living services
What are we doing about it?	A new referral form has been developed making best use of O365 technology. This will enable earlier awareness as well as greater tracking and oversight. Continue to develop a greater understanding between teams via link workers and other strategies.

	<p>A new five-year strategy is being developed for supported living, with one key focus ensuring we have sufficient pipeline of placements for those turning 18. In addition, a number of short-term residential services are being opened. This will ensure those who must move into residential care at 18, do so for the minimum period possible.</p>
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## **Role of the Designated Clinical Officer and Health Services**

70. The Integrated Care Board's (ICBs) and the Local Authority (LA) are committed to joining up services where possible, reducing duplication of effort, and improving the experiences of children and young people with SEND.
71. Historically, the then five Clinical Commissioning Groups appointed a Designated Clinical Officer (DCO) in November 2019, following a period of no DCO. The post holder is also the Associate Director for SEND. Following the Ofsted/CQC inspection on the Isle of Wight, the capacity of the DCO role has been increased to include a part time Deputy DCO and a SEND Transformation Officer.
72. The DCO team is employed by the Hampshire and Isle of Wight ICB, the roles geographically cover Hampshire and Isle of Wight local authority areas and includes North East Hampshire within the Frimley ICB.
73. The role of the DCO is a core leadership position within the ICBs and carries significant responsibility for the delivery of the position portfolio. The areas of responsibility currently include the following:
  - Fulfil the Designated Clinical Officer function across Hampshire and the Isle of Wight
  - Quality assures the health element of Education, Health & Care Plans (EHC Plans)
  - Work with health providers and the Local Authority to ensure statutory timeframes are adhered to in relation to EHC advice requests
  - Ensure that health providers are commensurate with their duties in early identification of SEND
  - Manage the interface between the NHS and the Local Authority to ensure a timely response for Tribunals requests and attend court as directed to represent the ICBs
  - Develop and maintain the Self Evaluation framework and commensurate improvement plans and ensure compliance for Ofsted/ CQC inspections

- Support the delivery of S117 care plans and Care Education Treatment Reviews
  - Lead on the service review and re-procurement of paediatric therapies across Hampshire
  - Lead on the Joint Commissioning Boards for both Hampshire and Isle of Wight Local Authorities
  - Ensure local placed based commissioning activity is delivered within designated Integrated Care Partnership area
74. The NHS Long Term Plan (2019) supports the development of closer working relationships between health and social care, and between service providers. The establishment of Integrated Care Systems enables us to deliver our vision of effective joint working, with the leadership of services operating closer together at local delivery system levels. The plan also re-enforces the ambition of services operating across the 0-25 age range, removing the challenging transition stage at 18, where many traditional services ended.
75. Across all the commissioned services there are opportunities for improving the way they are delivered. The ICBs are keen to strengthen partnership working with the local authorities and have been working on several system transformation programmes:
- Redesign and procurement of existing and new services have been in conjunction with health, social care and education. Services that have been included in the review are health visiting, (mainstream) school nursing, immunisation and vaccinations, paediatric therapies, and parenting/family support
  - Health and Social Care are transforming the way we provide Children's Continuing Care services, integrating the workforce, improving decision making, governance processes and joint funding of care packages.
76. The NHS Long Term Plan provides us with an opportunity to continue our transformation programme and focus on those children & young people who are most vulnerable:
- Children with Learning Disabilities and Autism
  - Children with Eating Disorders
  - Children with Mental Health conditions
77. During the Covid-19 pandemic, the DCO team continued to deliver a full service and worked with partner agencies to ensure all children and young people with EHCP's were able to access education. This included rolling out mask-fit training for education staff performing Aerosol Generating Procedures for children and young people with tracheostomies etc.

78. The DCO team successfully re-procured the children and young people’s Autism diagnostic service. There were successful bids for NHS England funding to support the following autism projects:
- Autism in Schools Project: To reduce inappropriate educational exclusions and hospital admissions for children and young people with learning disabilities, autism spectrum conditions (ASC) and/or challenging behaviour. To raise awareness of the needs of young people with autism, to listen to the voice of young people and their families, and to model and implement practical ways schools could improve the experience for young autistic people. This involves bringing together health and education expertise to take steps to support children who are finding school a challenge due to their disability.
  - Peer Support Project: To enhance the parent / carer networks current offer, to include place-based peer support, system advice, navigation of the SEND Local Offer, pathway guidance and information regarding Autism, reaching to include seldom heard groups, sharing learning and best practice with each other.
79. Funding has been identified and secured for a fixed term senior role to conduct a full-service review across Hampshire, Southampton, Portsmouth and Isle of Wight in relation to special and mainstream school nursing offers. Working collaboratively with local authorities and education colleagues to ensure an equitable and robust service is secured and delivered.

80.

Strengths	<p>Multi Agency Resource and Special Education Needs Panel in place and jointly attended by NHS and Local Authority.</p> <p>Joint Hampshire and Isle of Wight Local Transformation Plan - priorities of the plan are governed and delivered through joint strategic priorities (Emotional Wellbeing and Mental Health Strategy for Children and Young People in Hampshire 2019-22).</p> <p>The County Council Primary Behaviour Service is jointly commissioned with the ICB to identify and support children with distressed behaviour and neurodevelopmental presentations.</p> <p>Established EHCP quality assurance panels within ICB to monitor and improve standards and consistency.</p> <p>Implementation and roll out of mental health support teams within education settings to improve support for emotionally vulnerable children and young people.</p>
Areas of focus	Autism diagnosis waiting times and referral rates.

	Pre and post diagnostic support offer for Autism. CAMHS waiting times.
What are we doing about it?	<p>Introduction of ASC/ADHD provider framework, allowing procurement additional activity within procurement legislation to increase capacity.</p> <p>Plan to implement multi-disciplinary Autism triage panels across Hampshire, to review each referral on a needs led basis to identify and signpost to early intervention support services when appropriate. Panels will also reduce inappropriate referrals to Autism diagnostic services.</p> <p>Live re-procurement of evidence-based family support across Hampshire to increase access to support programmes for parents with children and young people who have or are at high risk of developing conduct disorder and families with teenagers, particularly those who exhibit anti-social behaviours, including interpersonal violence from children to parents and/or their siblings in a household.</p> <p>Over the last 12 months, the ICB has confirmed recurring investment into Hampshire CAMHS, this will result in over 100 additional full-time staff recruited to support the needs of children and young people earlier and to deal with historic waiting lists within the service. Once fully mobilised, this additional capacity will reduce waiting times and improve access for all areas of children and young people's mental health services.</p>

### **First-Tier Tribunal and the Single Route of Redress: Two-year national trial and implications for Health and Social Care**

81. Parents and young people can bring appeals to SENDIST under the Children and Families Act 2014.
82. The SEND Regulations enable the Tribunal to make non-binding recommendations about health and social care needs or provision as part of an appeal by a parent or young person relating to:
  - a decision by the LA not to issue an EHC plan
  - a decision by the LA not to carry out a re-assessment for a child/young person who has an EHC plan
  - a decision by the LA not to amend an EHC plan following a review or reassessment
  - a decision by the LA to cease to maintain an EHC plan
  - the description of the child/young person's special educational needs in an EHC plan

- the special educational provision specified in an EHC plan
  - the school or other educational institution named in an EHC plan
83. On 20 July 2021, the Department for Education (DfE) confirmed the extended powers given to the SEND Tribunal to hear appeals and make non-binding recommendations about health and social care aspects of Education, Health and Care (EHC) plans, will continue provided those appeals also include education elements. The decision was taken following the conclusion of the independent evaluation of the National Trial.
84. These appeals will be known as 'Extended Appeals'. The independent evaluation considered the impact of the trial on value for money on the public purse; the experiences and outcomes of families; and impacts on Local Authorities (LAs) and Clinical Commissioning Groups (CCGs).
85. The policy aims of the extended powers remain as they were throughout the National Trial, i.e., to:
- create a more holistic, person-centred view of the child or young person's needs at the Tribunal
  - bring appeal rights in line with the wider remit of EHC plans
  - to encourage joint working between education, health, and social care commissioners and to bring about positive benefits to children, young people, and parents.
86. The Tribunal continued to operate throughout the COVID-19 pandemic. Hearings were moved to video or telephone hearings, or (if parties' consent) on the papers. There was an increased availability from the Judiciary to attend hearings due to not having to travel to a physical court. Feedback from parties, LA's and settings indicated that attending a hearing from their own home or a school setting was far less daunting. For now, hearings will remain as remote hearings and there is an anticipation of a transition period for hybrid hearings.
87. As a result of the Tribunal continuing to operate there was no delay to hearings due to Judicial availability /capacity.
88. Since the reforms, the number of appeals to the Tribunal has continued to increase significantly linked to a rise in the demand on the statutory SEND system. The Number of Appeals Registered in 2020 was 188. In 2021 there were 215 registered appeals.
89. Since January 2022, 367 appeals have been registered to date. 253 appeals were received in the Spring and Summer term 2022, 114% above the same period last year. The increase in EHC Plans and timely decision making, has

resulted in more rights of appeal and therefore Tribunals being lodged. This increase in appeals has related mainly to decisions for secondary phase transfers for the new academic year in line with the national picture. Most recently there has been an increase in no to assess and no to plan appeals being registered.

90. Tribunals are time intensive. The complexity of some cases has increased with a resulting impact on staffing resources.

91. Due to the increase in appeals being registered, the Tribunal has vacated many hearings due to lack of judicial availability. Since June 2021 certain types of appeals have been listed for judicial alternative dispute resolution (JADR) hearings to support parties to resolve their disputes by agreement before the date of the final hearing. Certain types of appeals, usually involving extended appeals and appeals against the content of the EHC Plan, are also listed for a Case Review Hearing (CRH) to consider whether these are ready to be heard.

92.

Strengths	Tribunal knowledge has improved, and case management is firmly embedded across the SEN Team. Caseworkers are trying to resolve appeals ahead of hearing where possible as indicated by the number of appeals resolved by consent.
Areas of focus	Ensuring that all staff within the SEND team and wider support family (Social care, CCG etc) have a thorough understanding and ability to apply the legislation found in the Children and Families Act(CfA) 2014 in their work accurately, alongside other legislation such as the Children Act 1989. This ensures processes are followed, decision making is robust, and less challenge brought at SENDIST, JR or otherwise. Systems and processes within each service need to be brought in closer alignment to aid decision making and communication.
What are we doing about it?	Supporting colleagues in education and social care with their duties in relation to the Extended Powers. Ongoing training has been delivered by the Legal and Tribunal Team and resources have been made available. Weekly Tribunal surgeries support more robust decision making.



## Hampshire Local Offer

93. The Hampshire Local Offer provides information and advice about services and support available across education, health and social care for children and young people with special educational needs and/or disabilities (0-25) and their families. It is a statutory local authority responsibility.
94. Part of the Contact and Engagement Manager role is to ensure that the content is up-to-date, accessible and meets the needs of families, children, and young people. A key part of this work is to undertake quality assurance of the website. This is through a peer review process with other local authorities, as well as receiving feedback directly from users (including parents and young people).

95.

Strengths	<p>The breadth and depth of content on the Hampshire Local Offer, providing a central source of information from across Children’s Services and our partner organisations, with newly refreshed information on Health and Short Breaks. Engaged Steering Group driving improvements to the Local Offer, comprising of staff from across the Local Authority, partner organisations, parents, and a young person. An established feedback mechanism, whereby feedback from users is received, acted upon, and used to identify gaps or concerns. Feedback is transparent through the Local Offer Annual Report and new information page on the Offer.</p> <p>Accessible information through filter options / search results. Categories and sections of the Local Offer were originally chosen by parents and young people through co-production to highlight the key areas of support they wanted to see.</p>
Areas of focus	<p>Re-building networks and re-establishing co-productive groups with partners, parents/carers and young people that have been harder to maintain during the COVID-19 pandemic. These groups can then be utilised when making changes and improvements.</p> <p>Establishing a clearer customer journey through the pages, including mapping out pathways of support, to ensure parents and young people can easily find the resources or services they need. Improving accessibility of the pages, particularly for use on mobile devices.</p> <p>Review and development of content on the Local Offer – ensure directory is up to date and that there is useful information available for parents and young people.</p>

	<p>Continuing to raise awareness and build trust in the Local Offer following a decrease in web hits during the period of the COVID-19 pandemic.</p> <p>Ensuring continued buy-in from Local Authority teams and partners and ownership over their information for the Local Offer.</p> <p>Bring the governance and administration of the Local Offer and Family Information and Services Hub (FISH) into line with the wider Children’s Services Contact and Engagement Strategy.</p>
<p>What are we doing about it?</p>	<p>Undertaking an in-depth review and revamp of the Local Offer pages with teams across the Local Authority, partner organisations, parents, and young people. This will include focus groups and virtual engagement. The overall outcomes from the revamp will include:</p> <ul style="list-style-type: none"> <li>• a review of all content from all services</li> <li>• enhancing the customer journey through the webpages so parents and young people can easily find the key information to them</li> <li>• overhaul of the layout, look and feel of the pages to enhance navigation and usability</li> <li>• Increasing accessibility, including better use on mobile devices.</li> </ul> <p>This process is being actively undertaken with our platform provider with a planned implementation of January 2023. Supporting Hampshire schools and settings in reviewing and publishing details about their inclusive offer and their SEN Information Reports, whilst continuing to promote self-service.</p> <p>Seeking approval to establish a dedicated social media presence on Facebook and Instagram for our Offer in Hampshire to promote services for families and young people, as well as the pages themselves.</p> <p>Creating new documentation for staff and providers to ensure that all are aware of how to use the platform, what the process is, and their responsibilities.</p> <p>Ensuring teams across the Council and are partners are aware of what information they hold on the Local Offer so it can be kept up to date.</p> <p>Improving monitoring data around the Local Offer and setting clear KPIs.</p>

## **SEND Ofsted and Care Quality Commission Inspection**

96. The DfE, Ofsted and the Care Quality Commission (CQC) have drafted a new Local Area Inspection Framework based on the Green Paper “SEND Review: right support, right place, right time”. Hampshire has responded to the consultation using feedback from colleagues across Children’s Services. The new inspection cycle is expected to start in Spring 2023. The Self Evaluation Form will be re-drafted to meet the criteria in the new framework and preparations for the new inspection regime have begun.

## **Delivering Better Value Programme**

97. The Delivering Better Value Programme (DBV) is commissioned by the Department for Education and will support 55 local authorities to identify the highest impact, sustainable changes that the Local Authority can make to better support local children and young people with SEND. Hampshire has been selected to participate in the programme and is one of the local authorities in tranche one.
98. Newton and The Chartered Institute of Public Finance and Accountancy (CIPFA) have been appointed to work with the local authorities involved. The programme will be underpinned by comprehensive data-driven and evidence-led baselining and diagnostic phases which are currently underway. Once complete, local authorities will be supported to create an implementation plan. Local partners and front-line staff will be engaged when designing the plans and local authorities involved will be given the opportunity to apply for an implementation grant offered by DfE.
99. DBV Implementation plans will build on the High Needs Performance and Oversight Programme already in place in Hampshire and will address the underlying challenges in the high needs system.

## **High Needs, Performance and Oversight Programme**

100. The High Needs, Performance and Oversight Programme draws together the Local Authority’s improvement workstreams across the SEND system. It is comprised of three sub-programmes. The first, Right Support, ‘Right Time’ focusses on early identification of need and interventions to meet need effectively at the earlier stages of the SEND pathway. The second, ‘Improve Outcomes, Control Costs’ maximises strengths based, person centred approaches to achieve improved outcomes for children and young people with an EHCP while controlling high needs costs. The third, ‘Continuous Improvement’ is focussed on improving Local Authority performance against its SEND statutory obligations. The programme has been in place in its current format since January 2022 and the board meets monthly to monitor

progress.

### **Consultation and Equalities**

101. No consultation or equalities impact assessments have been undertaken as this is an information update.

### **Conclusions**

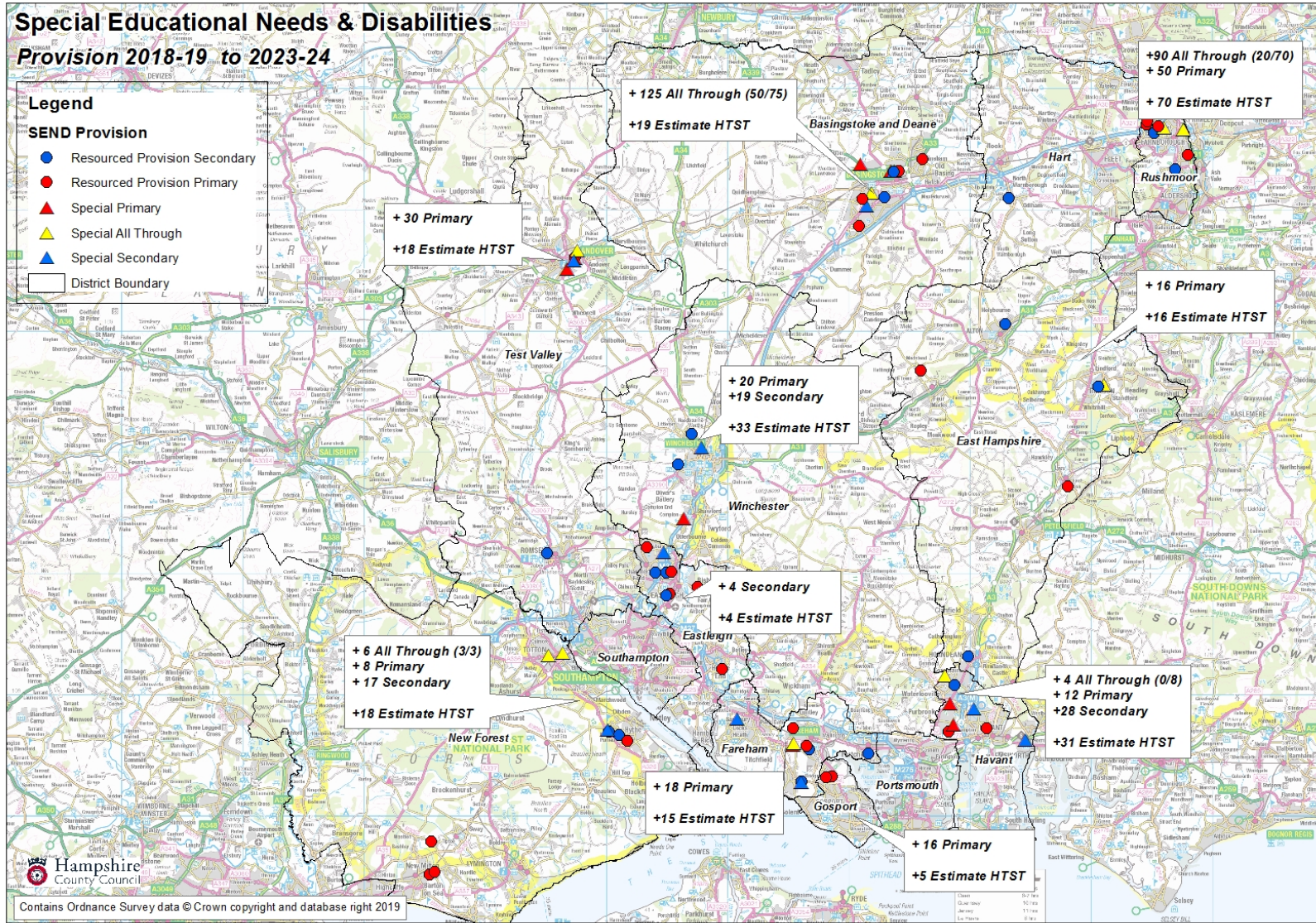
102. The SEND service has made significant improvements over the last year, especially in relation to the 20-week and Phase Transfer processes. There remains a challenge around Annual Reviews and meeting the timeline stated in the Code of Practice. It is hoped that the work the LA is doing in relation to Delivering Better Value (DBV) will support us to improve performance in this area.

103. There has been a further improvement this year with teams working together closely to ensure young people have the educational and health provision they require as quickly as possible.

104. Whilst the demand for specialist placements is still high, work has been started on upskilling mainstream school staff to be able to meet the needs of more children with SEN and to try to prevent, where possible, needs escalating.

**Appendix One – [Local Area SEND Ofsted Inspection Final Report](#)**

## Appendix Two - Special Educational Needs & Disabilities Provision 2018-19 to 2023-24



**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy, and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u> SEND Reforms Implementation	<u>Date</u> 16 Sept 2015
Hampshire SEND Reforms Implementation Programme (Ofsted and CQC feedback)	25 May 2016
Special Educational Needs and Disabilities (SEND) Reforms Hampshire area post implementation update	8 Nov 2017
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u> Children and Families Act [Part 3 SEND] 2014 <a href="http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted">http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted</a>	<u>Date</u> September 2014
Statutory Guidance: SEND Code of Practice 0-25 <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf</a>	January 2015
Local area SEND inspection framework (Ofsted and CQC) <a href="https://www.gov.uk/government/publications/local-area-send-inspection-framework">https://www.gov.uk/government/publications/local-area-send-inspection-framework</a>	April 2016

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None



## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

This report is an information update for the Children and Young People Select Committee and therefore no impact has been identified.

### **3. Impact on Crime and Disorder:**

This report is an information update for the Children and Young People Select Committee and therefore no impact has been identified

### **4. Climate Change:**

This report is an information update for the Children and Young People Select Committee and therefore no impact has been identified

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Children and Young People Select Committee
<b>Date:</b>	17 October 2022
<b>Title:</b>	Annual Complaints Report (2021/22) and Section 30 Ombudsman Report
<b>Report From:</b>	Director of Children's Services

**Contact name:** Colin Payne, Data Information Manager

**Tel:** 0370 779 0264

**Email:** [colin.payne@hants.gov.uk](mailto:colin.payne@hants.gov.uk)

### Purpose of this Report

1. The purpose of this report is to:
  - a. update the Children and Young People Select Committee on the operation and effectiveness of the Children's Services Department's complaints procedures through the provision of the current Annual Complaints Report (ACR). The submitted ACR (Appendix A) and supporting Data Appendix (Appendix B) cover the reporting period 01 April 2021 to 31 March 2022; and
  - b. submit the report (Appendix C) issued by the Local Government and Social Care Ombudsman (LGSCO) under Section 30 of the Act, for formal consideration of the recommendations from the LGSCO.

### Recommendation(s)

2. To note the position of the Children's Services Department in regard to complaints for the reporting period 01 April 2021 to 31 March 2022.
3. To formally note the recommendations made by the LGSCO and that the recommendations of the LGSCO in respect to the complainant have been completed by the County Council.

### Executive Summary

4. This report, alongside the slide presentation position update, seeks to provide the Children and Young People Select Committee, with an update on the position of the Children's Services Department in regard to complaints for the reporting period 01 April 2021 to 31 March 2022. It also submits the report issued by the LGSCO under Section 30 of the Act, for formal consideration of the recommendations from the LGSCO, in line with our statutory requirement.

## **Annual Complaints Report**

5. The Annual Complaints Report (ACR) is a public document published each financial year under regulation 13(3), The Children Act 1989 Representations Procedure (England) Regulations 2006. A copy of the ACR is attached at Appendix A, along with a copy of the supporting Data Appendix attached at Appendix B.
6. The ACR provides a mechanism by which Hampshire County Council's Children's Services Department can be kept informed about the operation and effectiveness of its complaints procedure and support learning from complaints.
7. The latest ACR covers the reporting period 01 April 2021 to 31 March 2022 and must include key information as set out in the statutory guidance 'Getting the Best from Complaints', including representations made to the local authority, the number of complaints at each stage and any that were considered by the LGSCO, which customer groups made the complaints, and the types of complaints made.

## **Local Government and Social Care Ombudsman Determination**

8. On 26 June 2022 the Local Government and Social Care Ombudsman (LGSCO) issued a report under Section 30 of the Local Government Act 1974 (Act) regarding determination of an investigation against the County Council. A copy of the report is attached at Appendix C. The report sets out details of the complaint, findings, conclusions and recommendations of the LGSCO.
9. Where a report is issued by the LGSCO under Section 30 of the Act, the County Council is required to formally consider the recommendations and confirm to the LGSCO the action it has taken or proposes to take. The LGSCO has indicated the reasons behind the issuing of a report under Section 30 of the Act within its report, and we accept that we got aspects of this case wrong, and lessons have been learned and actions undertaken.
10. The recommendations of the LGSCO in respect to the complainant have been completed. The County Council has issued an apology to the complainant and paid a symbolic amount in consideration of the time and trouble taken to make the complaint and to cover the cost of journeys until suitable transport was in place. A further action in respect of reviewing wider aspects of the service is in progress in accordance with the Ombudsman's timescale.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because where a report is issued by the LGSCO under Section 30 of the Act, the County Council is required to formally consider the recommendations and confirm to the LGSCO the action it has taken or proposes to take.**

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

# Appendix A

## Children's Services Department

### Annual Report on Complaints and Representations

2021/22

## Executive Summary

The Annual Complaints Report (ACR) is a public document, providing a mechanism by which Hampshire County Council's Children's Services Department (the department) can be kept informed about the operation and effectiveness of its complaints procedure and support learning from complaints. This document covers the reporting period 01 April 2021 to 31 March 2022.

The key findings within the report can be summarised as:

1. A total of 1,628 representations were received by CSCT in the 2021/22 reporting period. This represents a significant increase of 53% from 2020/21.
2. 27.6% of representations were considered in accordance with the statutory guidance (21.8% were accepted and managed as statutory complaints), 26.9% were managed as corporate complaints and 45.5% were 'other' complaints/representations. On average, the department receives 99 representations per month.
3. Of the 359 pre-complaints received, less than half (40.7%) became formal complaints.
4. There was a 25% increase in compliments received in 2021/22 compared to 2020/21, with 67% relating to social care services and 33% to non-social care services.
5. During 2021/22, the average time taken to investigate and respond to new social care stage one complaints was 9.6 working days. This is a reduction of 2.4 working days on average compared to the previous reporting period. For corporate stage two complaints, the average was 14 working days, seeing an increase of the average number of working days for the first time since the 2019/20.
6. CSC complaints for this reporting period have seen a positive movement around timescale compliance. 49% of CSC complaints were responded to within 10 working days at stage one (47% in 2020/21); 46% between 10-20 working days (also 46% in 2020/21) and 5% exceeded the maximum 20 working day limit (16% in 2020/21). 40% of corporate complaints were responded to within 10 working days at stage two (47% in 2020/21); 49% between 10-20 working days (50% in 2020/21) and 11% exceeded the maximum 20 working day limit (3% in 2020/21).
7. 'Parents' continue to be the group most likely to make a complaint to Children's Services (87% of all complaints). There has also been a small increase in complaints made by 'Other Professionals' from one in 2020/21 to three in 2021/22.

8. The three highest categories for the reason (nature) why social care complaints are made continue to be 'conduct of worker', 'insufficient support from Children's Services' and 'poor communication'. 'Conduct of worker' continues to be the main reason for social care complaints being submitted but has reduced from a 40% share in 2020/21 to 28% in 2021/22. 'Insufficient support from Children's Services' has seen an increase from 38 complaints in 2020/21 to 73 complaints in 2021/22, however, its percentage share has reduced from 19% to 17%. 'Poor communication' also received an increase in both numbers and percentage share, from 23 (12%) in 2020/21 to 83 (19%) in 2021/22.
9. The predominant reason (nature) why corporate complaints are made continues to be around 'poor communication' (33%), 'Delay' (23%) relating specifically to the EHCP process, followed by complaints around the EHCP process (15%).
10. For CSC stage one complaints, the predominant outcome sought has changed from 'change of social worker' (30) in 2020/21 to 'complaint issues investigated' (122) in 2021/22. The next three highest identified categories are 'change of social worker' (11%), 'better communication' (9%), and 'increased support from CSD' (6%). 66 social care complaints (14%), compared to 19 in 2020/21, did not identify an outcome being sought as part of their submission at stage one.
11. For corporate complaints, outcomes relating to EHCPs made up over half of the outcomes being sought by complainants (51.9%) at stage two in 2020/21. In 2021/22, this has reduced to 27%. The main outcome being sought for corporate complaints was for 'Better Communication' (17%), followed by 'Complaint Issues Investigated' (10%) and 'EHCP to be finalised' (10%).
12. 93% of the actual outcomes achieved during the reporting period for CSC stage one complaints were either 'Explanation' (61%), 'Apology & Explanation' (30%) or 'Apology' (2%). The three main actual outcomes for corporate stage two complaints in 2021/22 were the same three categories as for CSC stage one complaints, 'Apology & Explanation' (58%), 'Explanation' (24%) or 'Apology' (5%)

The report also identifies five recommendations for CSCT or the wider department to implement or monitor, as appropriate, during the 2022/23 reporting period:

- **Recommendation 1 – CSC Stage Two Recovery Plan.**
- **Recommendation 2 – Financial Resilience.**
- **Recommendation 3 – Service Improvement.**



- **Recommendation 4 – Continue to increase capacity within the Independent Person (IP) pool and the Investigating Officer (IO) pool.**
- **Recommendation 5 – Continue to work with the appropriate Departmental service lead to confirm what is recorded within the Department’s Children’s Social Care Case Management System, when a complaint is made.**

The full report follows, supported by an Appendix of tables, containing further breakdowns of the information recorded by CSCT.

## 1.0 Introduction

- 1.1 The report covers Hampshire County Council's Children's Services Department's formal feedback and representations for the period 1 April 2021 to 31 March 2022. The report details the compliments and complaints formally recorded by the Children's Services Department's Complaints Team (CSCT). In addition to annual reporting, internal reporting takes place on a quarterly basis, with more regular monitoring reports for services issued on request. This regular monitoring of formal feedback enables ongoing improvement.
- 1.2 The Children's Act 1989 requires all local authorities with social services responsibilities to have a formal complaints procedure for children's social care complaints. Getting the Best from Complaint (statutory guidance issued by the DfE, 2006) provides guidance for local authorities on implementing the complaint process for social care complaints made in relation to Children's Services. This annual report is produced in line with national guidance and is designed to share information more widely with members of the public. For completeness, although not required by the statutory guidance, this report also includes corporate complaints pertaining to Children's Services.
- 1.3 **Children's Social Care (CSC) Complaints:** These statutory complaints follow the Council's CSC Complaints Procedure for Children's Services (Stage One – local resolution; Stage Two – investigation; Stage Three – complaint review panel). When a complainant has exhausted the three stage complaints process, they can ask the Local Government and Social Care Ombudsman (LGSCO) to consider their complaint. Complainants are also able to refer their complaint to the LGSCO at any point in the formal process, however, if the complaint is still being considered by the local authority the LGSCO may deem the complaint premature and direct the complainant back to complete the local authority's complaint process.
- 1.4 **Corporate Complaints:** The majority of the remainder of complaints for Children's Services fall under the Council's corporate complaints procedure, ensuring compliance with the Local Government Act 1974. For example, these may be complaints about the Special Educational Needs (SEN) Service, School admissions, a support service or administrative process rather than children's social care. Having invariably received an informal response to their complaint, most corporate complaints are investigated directly at stage two and if the complainant remains dissatisfied progressed to stage three of the Council's corporate complaints process, which requires review and response by the Corporate Information Governance Team based within the Corporate Services Department.

## 2.0 Representations Received

2.1 A total of 1,628 representations were received by CSCT in the 2021/22 reporting period. This represents a significant increase of 53% from 2020/21. Table 1.1 below highlights the breakdown of how these numbers compare to previous years.

**Table 1.1: Total Representations Split by Reporting Periods (Financial Years)**

Type of representation	Financial Year			
	2021/22	2020/21	2019/20	2018/19
<b>Children's Social Care (CSC)</b>				
Complaint	280	175	166	128
Pre-complaint (to Statutory Stage 1 Complaint)	73	20	13	13
Case Concern (to Statutory Stage 1 Complaint)	3	3	0	0
Joint complaint	0	0	0	1
Refused	37	16	38	27
Withdrawn	1	7	2	0
Case Concern	55	80	119	144
<b>Total CSC representations</b>	<b>449</b>	<b>301</b>	<b>338</b>	<b>313</b>
<b>Corporate</b>				
Complaint	355	180	231	98
Pre-complaint (to Corporate Stage 1 Complaint)	0	0	1	0
Pre-complaint (to Corporate Stage 2 Complaint)	73	5	2	3
Refused	4	0	13	19
Withdrawn	6	1	2	0
Corporate Stage 1	0	1	20	1
<b>Total corporate representations</b>	<b>438</b>	<b>187</b>	<b>269</b>	<b>121</b>
<b>Other</b>				
Area initiated complaint	13	13	23	13
Pre-complaint	213	164	105	95
Professional to Professional Complaint	24	33	28	19
HSCP	1	2	5	3
LGSCO	52	24	17	19
Local Response	10	18	32	0
Compliment	15	12	7	3
HantsDirect handoff	0	0	1	0
GDPR, FOI or SAR	112	67	39	0
Request for info	0	0	1	0
Ad Hoc	273	245	168	373
<b>Total other representations</b>	<b>741</b>	<b>578</b>	<b>426</b>	<b>525</b>
<b>Total representations</b>	<b>1628</b>	<b>1066</b>	<b>1033</b>	<b>959</b>

- 2.2 Within the reporting period, there were also:
- 15 compliments, with 10 relating to social care services and 5 to non-social care services;
  - 741 'other' types of enquiry, with 273 recorded as Ad Hoc (an increase of 11% compared to 2020/21);
  - 449 statutory representations of which 355 (79%) were accepted into the statutory complaints process; and
  - 438 corporate representations (an increase of 134% compared to 2020/21), of which 427 (97%) were accepted into the corporate complaints process (all at stage two).

2.3 27.6% of representations were considered in accordance with the statutory guidance (21.8% were accepted and managed as statutory complaints), compared to 28.2% in 2020/21; 26.9% were managed as corporate complaints, compared to 17.5% in 2020/21; and 45.5% were 'other' complaints/representations, compared to 54.2% in 2020/21. On average, the department receives 99 representations per month, compared to 89 in 2020/21.

2.4 There was an increase in the number of pre-complaints received in the reporting period, 359 compared to 189 in 2020/21. A pre-complaint occurs when a representation is made but there is insufficient information included to allow the department to respond. The individual concerned is contacted by CSCT and asked to provide the necessary detail. Where this happens, the representation is then brought into the formal complaint process (pre-complaint to complaint).

**Observation** – of all activity undertaken by the CSCT, the team continue to see around 50% not instantly being accepted into either the corporate or social care complaints process (54.2% in 2020/21, 43.7% in 2021/22), with almost 40% of this activity being classed as 'ad-hoc'.

**Observation** – Corporate Complaints provided the biggest change in activity compared to the previous reporting period with an increase of 9.4 percentage points.

**Observation** – of the 359 pre-complaints received, less than half (40.7%) became formal complaints.

2.5 CSCT also coordinate complaints (relating to Child Protection Conferences) that fall within the Hampshire Safeguarding Children Partnership complaint process. There was one complaint in this process, which was closed at Stage One.

2.6 Professional to Professional complaints are complaints received from other professionals and not made on behalf of service users.

**Observation** – Professional to Professional complaints (24) observed a reduction in 2021/22 by 27.3% compared to 2020/21, the first reduction in three reporting periods.

2.7 Compliments have continued to increase for the fourth reporting period running, with a further 25% increase in the number of compliments received (24 in 2021/22 compared to 12 received in 2020/21).

2.8 A total of 38 complaints were refused during the reporting period, an increase of over double on the previous period (16 in 2020/21). A detailed breakdown of the reasons for these refusals can be found in table 1 within the supporting Data Appendix but 'Court Proceedings' continues to be the main reason for a complaint being refused.

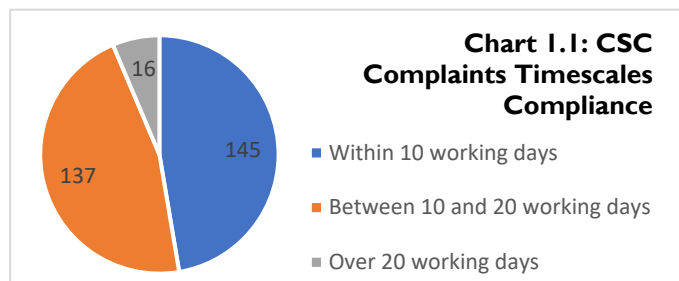
**Observation** – 'Repeat Complaints' was used for the first time as a reason for refusal since the 2019/20 reporting period, for both CSC and Corporate Complaints.

### 3.0 Timescale compliance

3.1 During 2021/22, the average time taken to investigate and respond to new CSC stage one complaints was 9.6 working days. This is a reduction of 2.4 working days on average compared to the previous reporting period and a second reporting period reduction.

3.2 For corporate stage two complaints, the average was 14 working days (compared to 12 in 2020/21), seeing an increase of the average number of working days for the first time since the 2019/20.

3.3 As can be seen in Chart 1.1, 145 (49%) CSC complaints were responded to within 10 working days at stage one (47% in 2020/21); 137 (46%) between 10-20 working days (46% in 2020/21) and 16 (5%) exceeded the maximum 20 working day limit (6% in 2020/21).



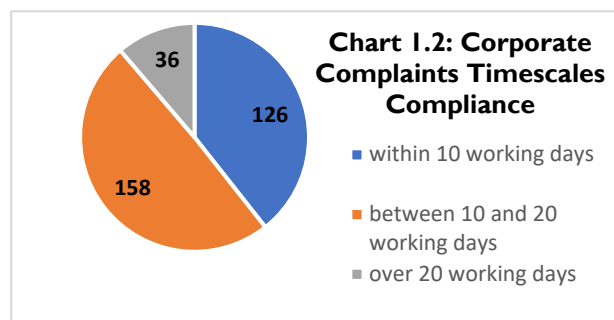
3.4 This reporting period has seen continued positive movement around social care complaints timescale compliance at stage one with more cases being completed within the 10 working days indicator (2% points increase) with almost half of all CSC stage one complaints being within this indicator. Although the number of CSC stage one complaints taking over 20 working days to complete increased by four in 2021/22 compared to 2020/21, the percentage share of complaints at stage one for this indicator did still reduce by one percentage point.

3.5 However, the position around stage two CSC complaints continues to be an area for improvement. During the 2021/22 reporting period, there were 53 complaints accepted but awaiting allocation at stage two due to limited capacity at this time within the County Council’s Investigating Officer (IO) and Independent Person (IP) resource pool.

3.6 The limited capacity also in turn affected the ability to meet the statutory timescales for stage three escalations where panels must consist of three independent persons. There were two CSC stage three complaints completed within the reporting period and both cases took over the 50 working days indicator to complete (the same number and timescales in 2020/21).

3.7 An implementation plan has been developed, with actions being taken both within and outside of the reporting period to tackle the issues being faced. This includes increasing the capacity within the County Council’s Investigating Officer and Independent Person resource pool to assist with progressing CSC complaints at stage two and at stage three (see section 12 for more information of actions being taken).

3.8 40% of corporate complaints were responded to within 10 working days at stage two; 49% between 10-20 working days and 11% exceeded the maximum 20 working day limit, as can be seen in Chart 1.2.



3.9 During this reporting period, corporate complaints have seen a negative movement around timescale compliance. Compared to 2020/21, this reporting period identified a seven percentage point reduction in the number of corporate complaints completed within the 10 working days indicator; a one percentage point reduction within the 10-20 working days extension period; and the number of corporate complaints taking over 20 working days to complete had a significant increase from five to 36, increasing its percentage share of stage two complaints from 3% to 11%.

3.10 A further breakdown of timescale compliance can be found in table 2 within the supporting Data Appendix.

## 4.0 Who make complaints and how are they submitted?

4.1 Parents continue to be the group most likely to make a complaint to Children's Services (87%). The three most popular methods for making a complaint continue to be by 'email', 'e-form' and 'letter'.

**Observation** – The number of complaints received by letter for CSC complaints has doubled during this reporting period, which returns back the position in 2021/22 with email returning the consumed share back to Letters.

4.2 There was a small increase in complaints made by 'Other Professionals' from one in 2020/21 to three in 2021/22.

4.3 Data pertaining specifically to Young Peoples' complaints (as a subset) is included later in the report.

4.4 A further breakdown of who made complaints and how they were submitted can be found in table 5 within the supporting Data Appendix.

## 5.0 Nature and Service

5.1 The three highest category for the reason (nature) why social care complaints are made continue to be 'conduct of worker', 'insufficient support from Children's Services' and 'poor communication'. 'Conduct of worker' continues to be the main reason for social care complaints being submitted but has reduced from a 40% share in 2020/21 to 28% in 2021/22. 'Insufficient support from Children's Services' has seen an increase from 38 complaints in 2020/21 to 73 complaints in 2021/22, however, its percentage share has reduced from 19% to 17%. 'Poor communication' also received an increase in both numbers and percentage share, from 23 (12%) in 2020/21 to 83 (19%) in 2021/22. 'Quality of service' also received an increase from one complaint in 2020/21 to six complaints in 2021/22 (1%).

5.2 CSC complaints continue to be mainly in relation to CAST Teams (70% in 2020/21 and 2021/22) followed by services to Children Looked After (19% in 2020/21 and 14% in 2021/22). The main movement in terms of complaints about specific services:

- an increase (61.9%) in CAST Team complaints from 139 in 2020/21 to 225 in 2021/22; and
- a continued year on year increase (144% this period) around MASH/CRT (22 in 2021/22; nine in 2020/21; and five in 2019/20).

5.3 The predominant reason (nature) why corporate complaints are made continues to be around 'poor communication' (33%), 'Delay' (23%) relating specifically to the EHCP process, followed by complaints around the EHCP process (15%). This is not unexpected that 38% of complaints are to do directly with SEN activity where the SEN Service continues to be the department's most complained about service under the corporate complaints process (72% in 2021/22 compared to 77% in 2020/21), followed by the Home to School Transport Service (7% in 2021/22 compared to 6% in 2020/21).

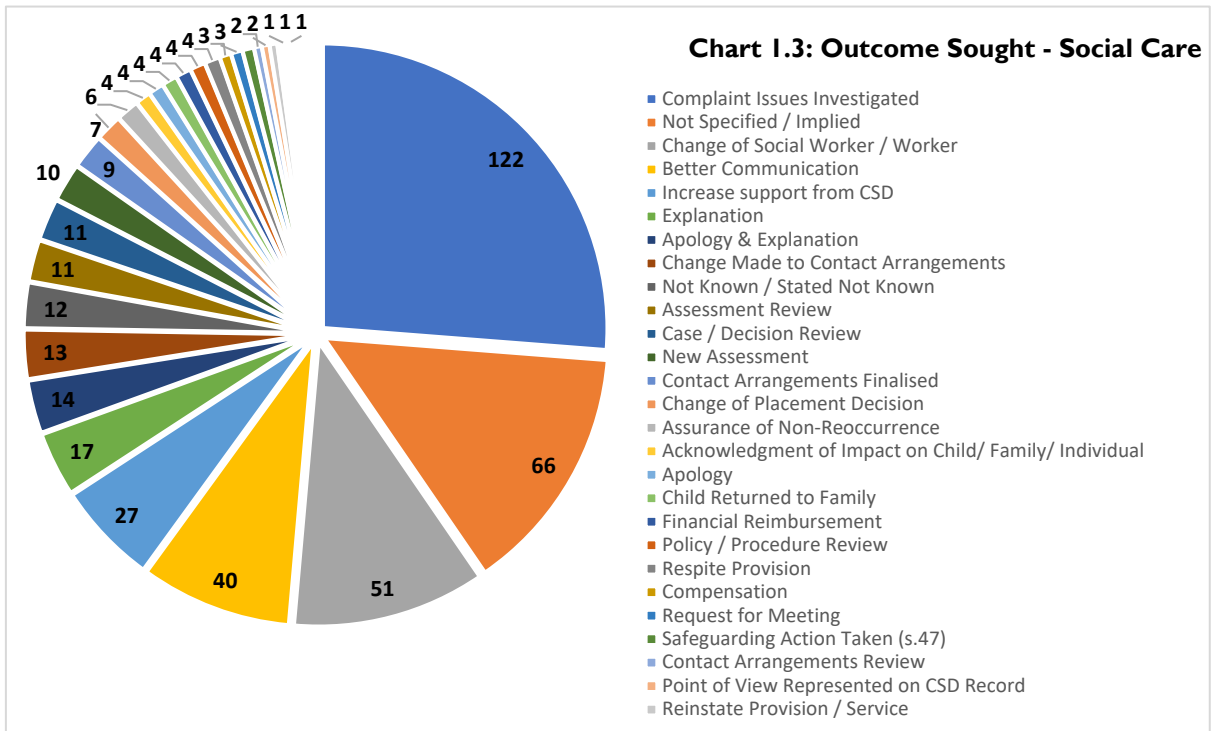
5.4 A further breakdown of the nature of complaints made can be found in Tables 6 and 7 within the supporting Data Appendix, with the services involved in Tables 8 and 9.

## **6.0 Outcomes sought – social care and corporate complaints**

6.1 When making a complaint, complainants are asked to state what outcome they are seeking. This provides a useful indication to the responding manager about what potentially would resolve the complaint and also provides comparative data in relation to the actual outcome i.e., the outcome of the investigation.

6.2 For CSC stage one complaints, the predominant outcome sought has changed from 'change of social worker' (30) in 2020/21 to 'complaint issues investigated' (122) in 2021/22. The next three highest identified categories are 'change of social worker' (11%), 'better communication' (9%), and 'increased support from CSD' (6%). 66 social care complaints (14%), compared to 19 in 2020/21, did not identify an outcome being sought as part of their submission at stage one, as can be seen in Chart 1.3.

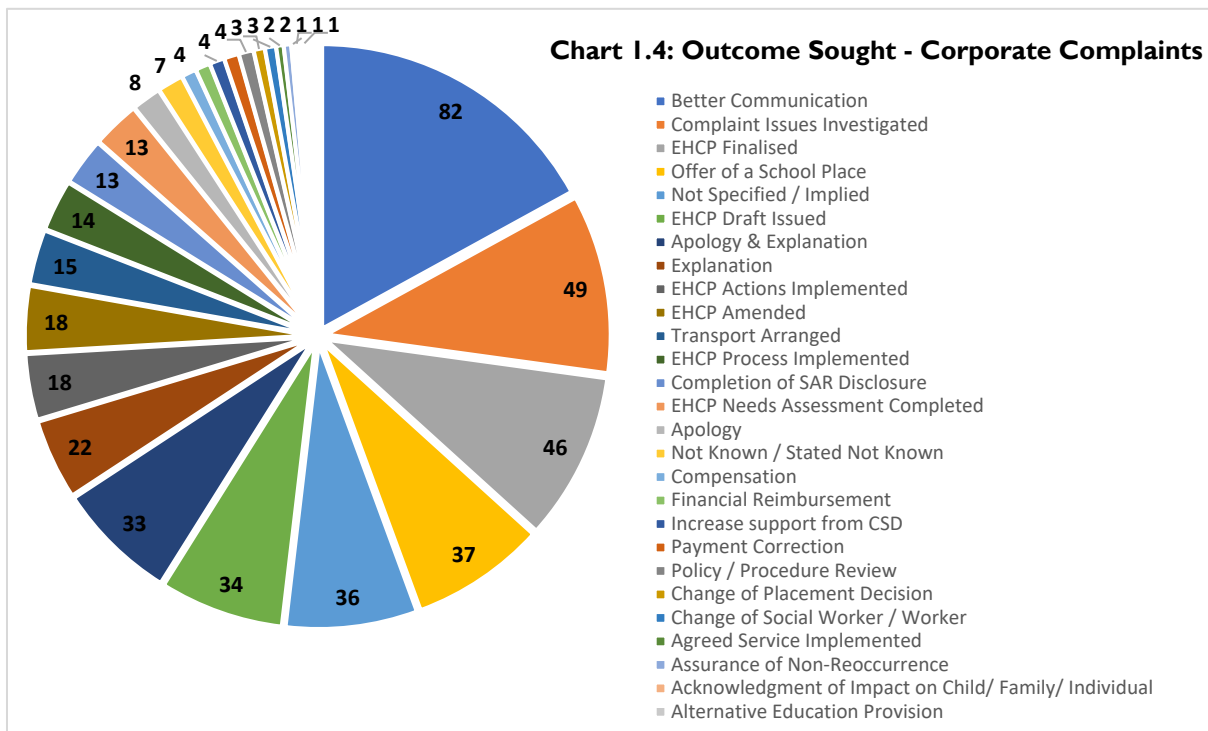




6.3 For corporate complaints, outcomes relating to EHCPs made up over half of the outcomes being sought by complainants (51.9%) at stage two in 2020/21. In 2021/22, this has reduced to 27%.

**Observation** – The reduction in the percentage share of complaints at corporate stage two relating to EHCPs could be accredited to the time and investment being put into both improving service delivery but also the handling of complaints by the SEN Service.

6.4 The main outcome being sought for corporate complaints was for 'Better Communication' (17%), followed by 'Complaint Issues Investigated' (10%) and 'EHCP to be finalised' (10%), as can be seen in Chart 1.4.



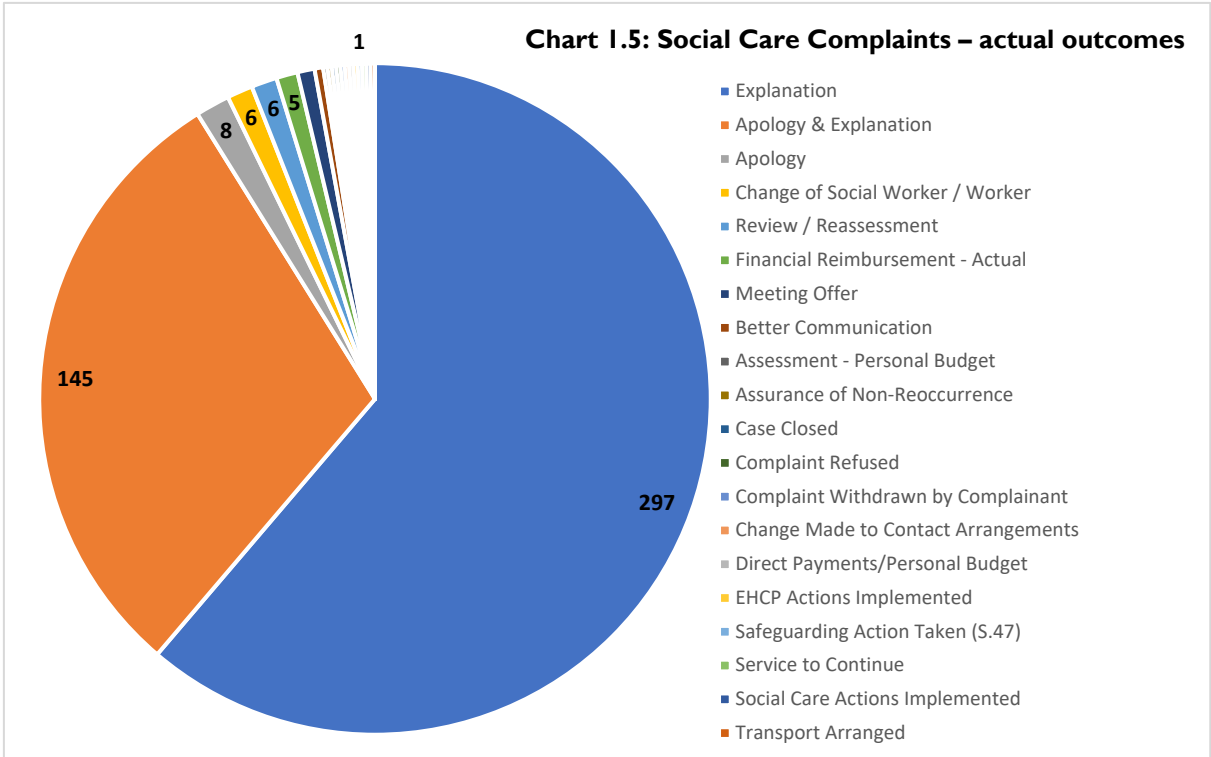
**Observation** – With a 257% increase in stage two complaints about poor communication (82 in 2021/22 compared to 23 in 2020/21), this could be an indicator that services are either not managing the expectations of customers/keeping them informed or that the quality of response either to do with service delivery or local/stage one complaint response is not of a high enough quality to resolve the issue at that early stage.

## 7.0 Actual Outcomes – social care & corporate complaint

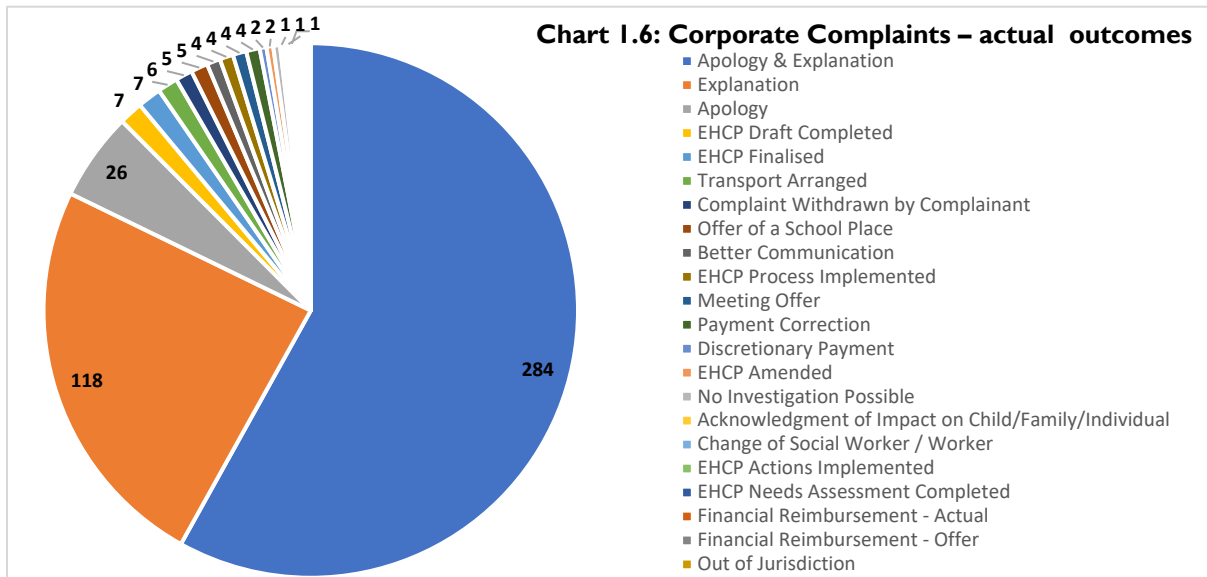
7.1 Having identified from the complainant the outcome they are seeking, the actual outcome achieved is taken from the response letter.

7.2 Chart 1.5 below, provides a summary breakdown of 'actual outcomes' for CSC Complaints at stage one within the reporting period with a further detailed breakdown available under Table 11 within the supporting Data Appendix.

7.3 93% of the actual outcomes achieved during the reporting period for CSC stage one complaints were either 'Explanation' (61%), 'Apology & Explanation' (30%) or 'Apology' (2%).



7.4 The actual outcomes for corporate stage two complaints in 2021/22 were the same three categories as for CSC stage one complaints, 'Apology & Explanation' (58%), 'Explanation' (24%) or 'Apology' (5%), as can be seen in Chart 1.6 below.



**Observation** – Where only 32% of CSC stage one outcomes had an element of an apology this could indicate slightly less than a third of these complaints had a concern that the responding manager identified as having some form of fault potentially could have occurred

requiring an apology. This is in comparison to 61% of outcomes just being focused on an explanation, which implies that a misunderstanding had occurred that could be clarified with an explanation. This is in comparison to corporate stage two complaints where 63% of outcomes had an element of an apology. This could indicate that more aspects of fault are occurring within services covered by the corporate complaints process or that responding managers within services covered by the CSC process are willing to provide an apology at stage one of the process.

7.5 Table 1.2 below shows the status of CSC complaints that completed stage one summarising whether a decision was 'upheld', 'not upheld', 'partially upheld' or where a 'no finding' outcome was required.

**Table 1.2: CSC Complaints received**

<b>Investigation Outcome</b>	<b>Number</b>	<b>Percentage</b>
No Finding	0	0%
Not Upheld	127	37%
Partially Upheld	180	53%
Upheld	33	10%
Other	2	<1%
<b>Total</b>	<b>342</b>	<b>100%</b>

7.6 For the current reporting period, the following key points around 'actual' outcomes for CSC complaints were identified:

- 'Explanation' made up 61% of complaint outcomes (55% in 2020/21), of this 37% were 'Not Upheld' (74% in 2020/21), 53% were 'Partially Upheld' (24% in 2020/21) and only 10% were 'Upheld' (1% in 2020/21).
- Of the 33 complaints which were 'Upheld', only 10 resulted in remedial action being taken (compared to one of six in 2020/21).
- Of the 180 complaints which were 'Partially Upheld', 14 resulted in remedial action being taken (compared to six of 87 in 2020/21).

7.7 Table 1.3 below shows the status of corporate complaints that completed stage two summarising whether a decision was 'upheld', 'not upheld', 'partially upheld', a status of 'other' assigned or where a 'no finding' outcome was required.

**Table 1.3: Corporate Complaints received**

<b>Investigation Outcome</b>	<b>Number</b>	<b>Percentage</b>
No Finding	1	0%
Not Upheld	7	2%
Partially Upheld	128	43%
Upheld	161	53%
Other	5	1%
<b>Total</b>	<b>342</b>	<b>100%</b>

7.8 For the current reporting period, the following key points around 'actual' outcomes for corporate complaints were identified:

- Of the 161 complaints which were 'Upheld' (compared to 77 in 2020/21), only 37 (23%) resulted in remedial action being taken.
- Of the 128 complaints which were 'Partially Upheld' (compared to 79 in 2020/21), 10 (13%) resulted in remedial action being taken.

**Observation** – With regards to the 161 complaints that were 'Upheld', it seems surprising that only 37% of these resulted in remedial action. CSCT would have predicted this percentage to be higher, as a complaint being fully 'Upheld' is an acknowledgement of fault.

7.9 A further breakdown of the actual outcome of complaints made can be found in Table 11 within the supporting Data Appendix.

## **8.0 Learning from complaints**

8.1 Complaints can provide both opportunities for learning and indications that Children's Services practice is appropriate. In some instances, specific areas for service improvement are identified.

8.2 Key learning points and service improvements identified from both social care and corporate complaints received in 2021/22 were consistent with previous reporting periods, focusing on common re-occurring practice issues, which cause of a significant number of complaints, including:

- **recording practice** including recording or otherwise of key decisions on case files and issues such as cut and pasting and grammatical errors.
- the importance of **good communication** and ensuring **agreed actions are completed** as agreed with service users.
- **timely replies** to communications from service users and correspondence (minutes and case paperwork) sent to service users as agreed.

- **adherence with CSD's own policies and procedures** particularly but not exclusively relating to timescales.
- 8.3 The learning from individual complaints is, as a point of good practice, usually included in the response letter to the complainant by the senior manager, who also implements and monitors any required action.
- 8.4 Some examples identified during the reporting period included:
- **Social care stage 1** – Following a complaint it was identified that an incorrect process was followed. It was acknowledged that there were training and development needs identified with several members of staff, as the level of professionalism fell below what the department aims for. It also highlighted a significant communication gap between Children's Services and a statutory partner which was addressed.
  - **Social care stage 2** – Children's Services failed to recognise and acknowledge needs highlighted in a Carers Assessment, with no plan made to meet the identified needs from the Carers Assessment. A full explanation of the Strengths Based Assessment was made available to families to ensure that its holistic nature was understood.
  - **Corporate stage 2** – Specific undertaking in relation to additional support being provided to a caseworker, where poor communication had been identified and monitoring of their contact with the complainant to ensure the improvement is maintained.

## 9.0 Young People's Complaints

- 9.1 In 2021/22, young people made 13 complaints, a 44% increase from the previous reporting period. All complaints were made in isolation, with no complainant making multiple submissions.
- 9.2 Almost a third of young people's complaints were again made via an advocate on the young person's behalf, with 69% of complaints coming directly from the young person (compared to 66% in 2020/21).
- 9.3 56% of young people's complaints were in regard to 'Children in Care' services, with the remaining complaints split between 'Care Leavers' (20%), 'CAST' (16%) and 'Intensive Support Service' (8%).
- 9.4 The category 'Not specific/Implied' (28%) was the highest recorded outcome, with a variety of other outcomes being individually sought, including 'Complaint issues investigated' (20%) and 'Better communication' (16%) being the next highest.

- 9.5 A large percentage of young people's complaints resulted in an outcome of 'Explanation' (72%) followed by 'Apology & Explanation' (12%) and 'Meeting Offer' (8%).

**Observation** – 8% of young people were offered a meeting in regard to their complaint in comparison to only 1% of adult complainants. This could be seen as a reluctance to engage in person with the adult complainant by the service; or an area of development for the complaints process to ensure that the service are clear that this approach is acceptable and one of the tools available to support them in trying to resolve the complainants concerns.

In regard to young people, it may be that due to the content of the complaint, service managers felt that it would be more beneficial and supportive to the young person to discuss the concerns in person to ensure they fully understand the matters being discussed and any findings that the complaint investigation at the local resolution stage may have uncovered.

**Observation** – 28% of complaints were recorded with outcomes that were 'Not specified/Implied'. This could be seen as evidence that those responding to complaints are not seeking desired outcomes from complainants. Knowing what outcome is being sought is integral to resolving a complaint and therefore this is an area of development.

- 9.6 A breakdown of young people's complaints can be found in tables 12 to 15, within the supporting Data Appendix.

### **CSC complaints escalation**

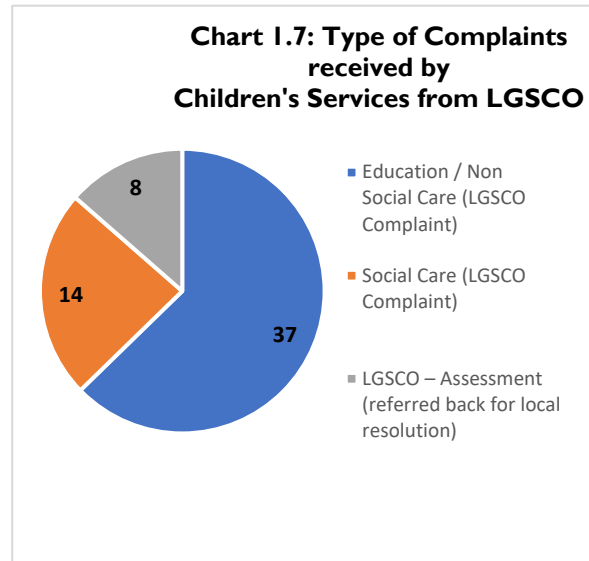
- 9.7 There was an increase in the number of complainants having their CSC complaint escalated after receiving a stage one response. With 16% escalating in 2020/21 and 20% escalating in 2021/22.
- 9.8 During the reporting period, eight stage two complaints were completed. None of these complaints were completed within either the 25 working day period or within the statutory extension period (between 25 and 65 working days).
- 9.9 As identified under section 11.2 within the report, further work has been undertaken both within and outside of the reporting period to increase the capacity within the County Council's Investigating Officer and

Independent Person pool to assist with progressing CSC complaints at stage two and in turn for stage three.

## 10.0 Local Government and Social Care Ombudsman (LGSCO)

10.1 The number of referrals received via the LGSCO (52) during the reporting period increased by 117% compared to the previous period (24).

10.2 As in previous reporting periods, at the initial complaint stage of both complaint processes the largest number of complaints related to social care with corporate complaints making up a significantly lower proportion. However, in respect of complaints to the LGSCO this is reversed (see Chart 1.7) with a significant portion of complaints sent to the department from the LGSCO were previously responded to via the corporate complaint process (63%).

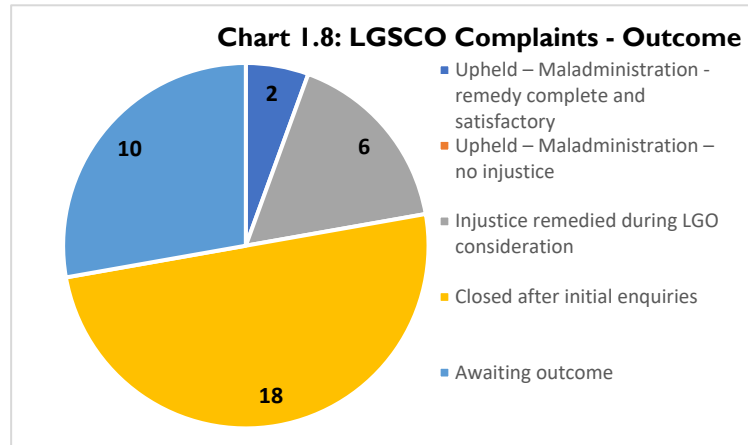


10.3 When the LGSCO find fault, the ombudsman makes recommendations in relation to remedy to the complainant and/or learning for the County Council in terms of our practise and processes.

10.4 The LGSCO Assessment team will sometimes make enquiries in relation to the 'status' of a complaint to establish if it has gone through the Council's complaint process before deciding whether to investigate. These enquires usually result in the LGSCO deciding a complaint is 'premature' and it is returned to the Council for investigation and response.



10.5 Financial recompense was a feature in all complaints where fault was found (see Chart 1.8), with 72% of the payments being required for non-social care complaints. Of those, three also contained practice improvement requirements, which have been collated below:



- Action taken to address delays in EHCP annual reviews and how the service monitors children with EHCPs out of school and resolves situations.
- Action to review and remedy similar injustice to others who appear to have suffered an injustice due to the same fault.
- Review handling of case to prevent similar errors in future.

## 11.0 2021/22 recommendations – progress

11.1 The loss of both the experienced Complaints Manager and Complaints Officer within the reporting period had a significant impact on the capacity of the team to deliver against the established recommendations. An Interim Complaints Manager was put in place to enable the service to continue to operate but where they were not full time, this meant that they did not have the capacity in their working day to dedicate to these actions.

11.2 The following provides a progress update on each recommendation:

**Recommendation 1 – Develop an Implementation Plan and ensure delivery of the service improvements identified within the Children’s Services Transformation Practice’s review of Children’s Services Complaints.** All actions identified with a potential delivery date falling within the 2021/22 reporting period to be included. Proposal to be completed by 31 March 2022.

**Progress – Action Superseded.** This action has been superseded by the actions being developed as part of the recovery plan around CSC stage two complaints, service improvement actions and financial resilience activity, which has been included as part of the recommendations for the 2022/23 reporting period.

**Recommendation 2 – Working alongside the Childrens Services Performance Manager and Children & Families Branch Management Team (CFMT) members, continue to incorporate the benefits of the new Complaints Case Management System through the capturing of evidence to support learning, by updating the format of the Annual Complaint Report (ACR) to include this additional detail and develop a quarterly report for consideration at CFMT.** Proposal to be completed by 31 March 2022.

**Progress – ONGOING.** This action will be carried forward as part of the service improvement activity being overseen by the new Complaints Manager.

**Recommendation 3 – Establish the ongoing team structure arrangements for the Children’s Services Complaints Team, confirming the ongoing approach to the statutory Complaints Manager position.** Proposal to be completed by 31 March 2022.

**Progress – Partially Completed.** The department has successfully recruited a new permanent Complaints Manager and filled the vacancy created during the reporting period of an experienced Complaints Officer. The ongoing future proofing of the Children’s Services Complaints Team has been amalgamated into the Financial Resilience activity, which has been included as part of the recommendations for the 2022/23 reporting period.

**Recommendation 4 – Continue to increase capacity within the Independent Person (IP) pool to ensure successful increases within the Investigating Officer (IO) role are not impacted by a lack of availability of IPs to support**

**investigations.** Additional advertising of the role to be completed by 30 September 2021 but monitored ongoing through the 2021/22 reporting period.

**Progress – ONGOING.** A lot of work has gone into generating additional capacity, which has proven successful. As of 30 May 2022, the CSCT had access to 20 IOs and 17 IPs. Activity is ongoing to continue to increase capacity and this action will continue to be included as part of the recommendations for the 2022/23 reporting period.

**Recommendation 5 – The observations identified within the 2020/21 ACR recommendations, to be further explored to identify any viable pattern/trend that could lead to learning/practice improvements.** Proposal to be completed by 31 March 2022.

**Progress – ONGOING.** This action will be carried forward as part of the service improvement activity being overseen by the new Complaints Manager and extended to include 2021/22 data.

**Recommendation 6 – Continue to work with the appropriate Departmental service lead to confirm what is recorded within the Department’s Children’s Social Care Case Management System, when a complaint is made.** Proposal to be completed by 31 March 2022.

**Progress – ONGOING.** To be carried forward to 2022/23 report.

**Recommendation 7 – Working alongside the Childrens Services SEN Management structure to continue to incorporate the benefits of the new Complaints Case Management System through the capturing of evidence to support learning, by updating the format of the ACR to include additional detail in support of reducing SEN complaints, alongside developing a quarterly report for consideration at the Education & Inclusion Branch Management Team (EIMT).** Proposal to be completed by 31 March 2022.

**Progress – ONGOING.** This action will be carried forward as part of the service improvement activity being overseen by the new Complaints Manager.

**Recommendation 8 – HR Case Management Lessons Learnt.** Identify any lessons learnt from the approach to HR Case Management to assist with reinforcing within services the requirement to recognise the importance of the statutory duty and responsibility to comply with timescales around the delivery of the complaints process. The Head of Information Governance & Business Support and the Children’s Services Complaints Manager to identify opportunities for reinforcing these messages by 30 December 2021 and share with CSDMT members for distribution through their management structures by 31 March 2022.

**Progress – CLOSED.** This recommendation has not proven possible to progress as established and has therefore been closed. However, the wider lessons learnt activity will form part of the service improvement activity being overseen by the new Complaints Manager.

## 12.0 2022/23 Recommendations

12.1 The following recommendations are put forward for completion by the CSCT and/or department service areas during the 2022/23 reporting period:

**Recommendation 1 – CSC Stage Two Recovery Plan.** Develop a forecast model of how the CSCT intends to return CSC Stage Two complaints to a more manageable level, setting out clear timescales for delivery.

**Recommendation 2 – Financial Resilience.** There is a requirement for additional permanent resourcing to ensure longer term stability of the service. A report is to be developed to set out the additional resources being sought corporately to ensure new ways of working can be implemented, both as part of the recovery plan and also to 'right size' the CSCT to prevent future backlogs re-occurring in the longer term. Report to be submitted to Financial Resilience Group in June 2022.

**Recommendation 3 – Service Improvement.** To support the CSC Stage Two recovery activity and to contribute to the stabilising of the CSCT in the future, a range of operational improvements have been identified. These include:

- Measures to reduce escalation of CSC complaints from Stage One to Stage Two;
- Improvements to correspondence with complainants;
- Improvements to guidance provided to officers for responding at Stage One for CSC Complaints;
- Introduction of templates;
- Process improvements (to be identified via a workshop);
- CSC Stage Two document preparation;
- Optimised use of technology such as power automate to increase efficiency;
- Staff training;
- Management structure and oversight;
- Monitoring and reporting to support operational effectiveness and decision making within CSCT and wider Branch Management Teams; and
- Training and support to IOs and Adjudication Officers.

These improvements will be implemented across the 2022/23 reporting period.

**Recommendation 4 – Continue to increase capacity within the Independent Person (IP) pool and the Investigating Officer (IO) pool.** This will be an ongoing action across the 2022/23 reporting period.

**Recommendation 5 – Continue to work with the appropriate Departmental service lead to confirm what is recorded within the Department's Children's Social Care Case Management System, when a complaint is made.** Proposal to be completed by 31 March 2023.

## **Appendix 1 – Data Report**

The supporting data tables can be accessed under Appendix B of the Children and Young People Select Committee submission.

## **Appendix 2 - Glossary**

### **Complaint**

*Getting the Best from Complaints, DfES 2006* defines a complaint as:

*'an expression of dissatisfaction or disquiet, in relation to an individual child or young person, which requires a response'.*

Within Hampshire Children's Services, both the children's social care and corporate complaints processes use this definition.

### **Case Concern**

The definition of a case concern, as developed by CSCT, is:

*'An operational / case issue which is current, has a 'here and now' impact and requires a 'same day' intervention.'*

This is in contrast to complaints which will nearly always have a historical element and, whilst significant, do not require immediate intervention. Correctly identifying representations as concerns enables them to be passed swiftly to the appropriate team for action. The option to have their concern dealt with as a complaint is explained and remains an option at any point.

### **Pre-complaints**

Representations received by the complaints team that could become a formal complaint in the future, or where further clarification is needed from the originator before the matter can be responded to, are recorded as pre-complaints.

### **Area Initiated**

Complaints which are managed at a local level, that CSCT become aware of, and may have some input into.

### **Enquiries**

The complaints team is also involved with enquiries received by the Director's Office, from MPs, Councillors and the Department for Education (DoE).

### **HantsDirect Handoff**

Calls made to HCC's contact centre where the caller wants to speak to a manager, but they are either unavailable or not found. Request is passed to CSCT who identify manager and ask for contact to be made within three days whilst also advising that if concern is not resolved a formal complaint can be made.

### **Miscellaneous**

Representations received by the team that do not fall within its remit are recorded on Respond under 'miscellaneous'. These include disciplinary issues, non-Children's Services complaints, complaints about other agencies and local authorities.

# **Appendix B**

## **Children's Services Department**

### **Annual Report on Complaints and Representations**

**2021/22**

#### **Appendix 1 – Data Tables**

## Representations Received

Table 1 - Complaint Refusals Breakdown

Refusal Reason	Financial Year			
	2021-22	2020/21	2019/20	2018/19
<b>Social Care Refusals</b>				
Court Proceedings	17	8	12	5
Criminal Proceedings	1	0	1	0
No PR	9	6	14	14
Not in Best Interest/Age of Child/YP	1	0	2	0
Out of Time	3	1	2	3
Outside of Remit	2	1	3	5
Repeat Complaint	1	0	4	0
<b>Total social care refusals</b>	<b>34</b>	<b>16</b>	<b>38</b>	<b>27</b>
<b>Corporate Refusals</b>				
No PR	0	0	1	3
Not in Best Interest/Age of Child/YP	0	0	0	0
Out of Remit (Appeal)	0	0	9	9
Out of Time	0	0	0	1
Repeat Complaint	2	0	0	0
Tribunal	2	0	3	1
<b>Total corporate refusals</b>	<b>4</b>	<b>0</b>	<b>13</b>	<b>14</b>
<b>Total Refusals</b>	<b>38</b>	<b>16</b>	<b>51</b>	<b>41</b>



## Timescale compliance

**Table 2 – Timescale Compliance**

	Stage	Financial Year							
		2021-2022		2020-2021		2019-2020		2018-2019	
<b>Social Care Complaints</b>	<b>Stage 1</b>								
	Total number of complaints	298		188		188		146	
	- in 10 working days	145	49%	89	47%	75	40%	65	45%
	- in between 10 and 20 working days	137	46%	87	46%	82	44%	69	47%
	- in over 20 working days	16	5%	12	6%	31	16%	12	8%
	- average time to complete (days)	9.6		12		17		13.9	
	<b>Stage 2</b>								
	Total number of complaints (completed)	8		5		9		16	
	- in 25 working days	0	0%	0	0%	0	0%	0	0%
	- in between 25 and 65 working days	0	0%	1	20%	2	22%	2	13%
- in over 65 working days	8	100%	4	80%	7	78%	3	19%	
- Received but not progressed	53		26		4		11		
- Withdrawn	3		0		2		0		
<b>Stage 3</b>									
Total number of complaints (completed)	2		2		1		2		
- in under 50 working days	0	0%	0	0%	0	0%	0	0%	
- in 50 working days	0	0%	0	0%	0	0%	0	0%	
- in over 50 working days	2	100%	2	100%	1	100%	2	100%	
<b>Corporate complaints</b>	<b>Stage 2</b>								
	Total number of complaints	320		189		228		85	
	- in 10 working days	126	40%	89	47%	85	37%	26	31%
	- in between 10 and 20 working days	158	49%	95	50%	128	56%	50	59%
	- in over 20 working days	36	11%	5	3%	15	7%	9	11%
- average time to complete (days)	14		12		13		13.6		

Percentage calculated to zero decimal places

## Who make complaints and how are they submitted?

**Table 3 - Social Care Stage One and Corporate Stage Two Complaints - How Received**

Method	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Complaint Form	1	>1%	1	0%	8	2%	7	2%
E-Form	233	34%	137	36%	148	36%	94	31%
Email	293	45%	220	57%	203	43%	166	54%
In Person	0	0%	0	0%	0	0%	0	0%
Letter	83	13%	23	6%	46	11%	38	12%
Letter via DCS	0	0%	0	0%	1	0%	0	0%
LGSCO (via)	4	1%	0	0%	0	0%	0	0%
Telephone	0	0%	3	1%	3	1%	3	1%
Telephone via HantsDirect	2	>1%	0	0%	2	0%	0	0%
Email via HantsDirect	39	6%	0	0%	0	0%	0	0%
YP Complaint Form	0	0%	0	0%	1	0%	0	0%
<b>Total</b>	<b>655</b>	<b>100%</b>	<b>384</b>	<b>100%</b>	<b>412</b>	<b>100%</b>	<b>308</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 4 – Method Used to Make Complaints Young People’s complaints (Social Care Stage One Corporate Stage Two)**

Method	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Complaint Form	0	0%	1	11%	0	0%	0	0%
E-Form	4	31%	2	22%	7	41%	3	60%
Email	4	31%	4	44%	7	41%	1	20%
Email via DCS	0	0%	0	0%	0	0%	0	0%
Email via HantsDirect	0	0%	0	0%	0	0%	0	0%
In Person	0	0%	0	0%	0	0%	0	0%
Letter	3	23%	2	22%	2	12%	1	20%
Telephone	0	0%	0	0%	0	0%	0	0%
Telephone via HantsDirect	0	0%	0	0%	0	0%	0	0%
Email via HantsDirect	2	15%	0	0%	0	0%	0	0%
YP Complaint Form	0	0%	0	0%	1	6%	0	0%
<b>Total</b>	<b>13</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>17</b>	<b>100%</b>	<b>5</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 5 - Who makes complaints - received from (Social Care Stage One & Corporate Stage Two)**

Received from	Financial Year							
	2021/22		2020/21		2019/20		2018-2019	
<b>Parent/Adopter</b>								
Parent	529	79%	331	86%	328	80%	240	78%
Non Resident Parent	45	7%	2	1%	4	1%	0	0%
Adopter	1	>1%	2	1%	2	0%	0	0%
Special Guardian (SGO)	0	>1%	0	0%	3	1%	0	0%
Ex-Partner	0	>1%	0	0%	0	0%	0	0%
Partner	1	>1% <sup>0</sup>	1	0%	1	0%	2	1%
Step-Parent	4	>1%	2	1%	7	2%	5	2%
<b>Total Parent/Adopter</b>	<b>580</b>	<b>87%</b>	<b>338</b>	<b>88%</b>	<b>345</b>	<b>84%</b>	<b>247</b>	<b>80%</b>
<b>Non-Parent Relative</b>								
Grandparent	37	6%	13	3%	20	5%	18	6%
Sibling	0	0%	2	1%	0	0%	0	0%
Other Relative	4	>1%	4	1%	5	1%	8	3%
<b>Total Non-Parent Relative</b>	<b>41</b>	<b>6%</b>	<b>19</b>	<b>5%</b>	<b>25</b>	<b>6%</b>	<b>26</b>	<b>8%</b>
<b>Foster Carer/Prospective Foster Carer /Care Provider</b>								
Direct Payment Carer	0	0%	0	0%	1	0%	0	0%
Foster Carer	7	1%	2	1%	9	2%	5	2%
Private Foster Carer	1	>1%	3	1%	1	0%	0	0%
Prospective Adopter/Foster Carer	0	0%	0	0%	1	0%	6	2%
Prospective Foster Carer	0	0%	0	0%	0	0%	0	0%
<b>Total Foster Carer/Prospective Foster Carer</b>	<b>8</b>	<b>1%</b>	<b>5</b>	<b>1%</b>	<b>12</b>	<b>3%</b>	<b>11</b>	<b>4%</b>
<b>Service user</b>								
Service user (adult)	1	>1%	2	1%	0	0%	0	0%
Service user (young person)	5	1%	6	2%	18	4%	8	3%
Service user (child 0-17)	8	1%						
<b>Total Service User</b>	<b>14</b>	<b>2%</b>	<b>8</b>	<b>2%</b>	<b>18</b>	<b>4%</b>	<b>8</b>	<b>3%</b>
<b>Professional</b>								
Head Teacher	1	>1%	0	0%	0	0%	0	0%
Health Staff	0	0%	0	0%	0	0%	0	0%
Other Agency	0	0%	0	0%	0	0%	0	0%
Principal Transport Officer (HCC)	0	0%	0	0%	0	0%	0	0%
Other HCC Staff	0	0%	0	0%	0	0%	1	0%
Other Professionals	3	>1%	1	0%	6	1%	2	1%
<b>Total Professional</b>	<b>4</b>	<b>&gt;1%</b>	<b>1</b>	<b>0%</b>	<b>6</b>	<b>1%</b>	<b>3</b>	<b>1%</b>
<b>Advocate</b>	<b>4</b>	<b>&gt;1%</b>	<b>7</b>	<b>2%</b>	<b>5</b>	<b>1%</b>	<b>1</b>	<b>0%</b>
<b>Miscellaneous</b>								
Birth Parent of Adopted Child	0	0%	0	0%	0	0%	0	0%
Friend/Neighbour	1	>1%	1	0%	0	0%	3	1%
Other			5	1%	1	0%	4	1%

<b>Total Miscellaneous</b>	<b>1</b>	<b>&gt;1%</b>	<b>6</b>	<b>2%</b>	<b>1</b>	<b>0%</b>	<b>7</b>	<b>2%</b>
Unknown	16	2%	0	0%	0	0%	5	2%
<b>Total</b>	<b>668</b>	<b>100%</b>	<b>384</b>	<b>100%</b>	<b>412</b>	<b>100%</b>	<b>308</b>	<b>100%</b>

Percentage calculated to zero decimal places

## Nature and Service

**Table 6 - Social Care Complaints - complaint nature**

Nature	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Adoption Allowance Dispute	9	2%	1	1%	0	0%	0	0%
Application of Policy	5	1%	2	1%	0	0%	0	0%
Assessment Outcome	13	3%	5	3%	9	5%	4	2%
Assessment Process	11	2%	4	2%	12	7%	3	2%
Bruising Protocol	1	>1%	0	0%	1	1%	0	0%
Change of Placement Decision	0	0%	0	0%	0	0%	0	0%
Change to Service	0	0%	0	0%	2	1%	3	2%
Child Protection Conference Outcome	0	0%	1	1%	4	2%	1	1%
Child Protection Conference Process	0	0%	1	1%	1	1%	1	1%
Conduct of Worker	119	28%	79	40%	54	30%	69	39%
Contact Arrangements	18	4%	7	4%	2	1%	0	0%
Contact Dispute	8	1%	1	1%	4	2%	0	0%
CSD Acted Unlawfully	1	>1%	1	1%	1	1%	0	0%
CSD Failing in Duty of Care	17	4%	10	5%	5	3%	0	0%
CSD Provision / Service Withdrawn	0	0%	1	1%	1	1%	0	0%
Decision - Change of Placement	0	0%	2	1%	0	0%	0	0%
Decision to Change S/W	1	>1%	1	1%	0	0%	0	0%
Delay/Failure to keep informed	3	>1%	1	1%	0	0%	0	0%
Delay in Provision of Service	0	0%	0	0%	2	1%	6	3%
Direct Payment Dispute	1	>1%	0	0%	0	0%	0	0%
Discriminatory Application of Process	2	>1%	0	0%	0	0%	0	0%
Eligibility - Access to Service	1	>1%	2	1%	1	1%	0	0%
Eligibility for Funding	0	0%	1	1%	0	0%	0	0%
Failure to Implement Agreed Actions	1	>1%	3	2%	3	2%	0	0%
Finance	3	>1%	0	0%	2	1%	0	0%
Foster Care Allowance Dispute	2	>1%	0	0%	0	0%	0	0%
Funding	0	0%	0	0%	0	0%	2	1%
HTST Dispute	1	>1%	0	0%	0	0%	0	0%
Insufficient Support from CSD	73	17%	38	19%	5	3%	0	0%
Multiple Changes to Allocated Worker	2	>1%	2	1%	0	0%	0	0%
Non-adherence to Procedure	1	>1%	0	0%	0	0%	0	0%
Other	7	1%	4	2%	0	0%	1	1%
Outcome of decision/assessment	1	>1%	0	0%	0	0%	0	0%
Out of Education	0	0%	2	1%	0	0%	0	0%
Personal Budget Dispute	2	>1%	0	0%	0	0%	0	0%
Placement Decision - Change of Placement	1	>1%	0	0%	4	2%	0	0%

Nature	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Placement Dispute	8	1%	0	0%	2	1%	0	0%
Policy Dispute	3	>1%	0	0%	0	0%	3	2%
Poor Communication	83	19%	23	12%	21	12%	25	14%
Quality of Service	6	1%	1	1%	28	16%	52	29%
Refusal of Service	0	0%	0	0%	0	0%	1	1%
Respite Dispute	2	>1%	0	0%	1	1%	0	0%
Respite Provision	0	0%	0	0%	1	1%	0	0%
S.47 Investigation Outcome	0	0%	0	0%	1	1%	0	0%
Safeguarding	7	1%	3	2%	4	2%	0	0%
Unknown	0	0%	0	0%	0	0%	8	4%
Unwanted CSD Involvement	3	>1%	0	0%	3	2%	0	0%
Welfare Concerns not Acted On	6	1%	2	1%	5	3%	0	0%
<b>Total</b>	<b>422</b>	<b>100%</b>	<b>198</b>	<b>100%</b>	<b>179</b>	<b>100%</b>	<b>179</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 7 - Corporate Complaints - complaint nature**

Nature	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Access to Service	0	0%	0	0%	0	0%	1	1%
Adoption Allowance Dispute	0	0%	0	0%	1	0%	0	0%
Application of Policy	10	2%	1	1%	3	1%	0	0%
Assessment Outcome	2	>1%	0	0%	0	0%	1	1%
Assessment Process	0	0%	0	0%	1	0%	2	2%
Change to Service	0	0%	0	0%	0	0%	2	2%
Conduct of Worker	21	5%	5	3%	9	4%	42	33%
CSD Acted Unlawfully	1	>1%	1	1%	0	0%	0	0%
CSD Failing in Duty of Care	1	>1%	1	1%	0	0%	0	0%
CSD Provision / Service Withdrawn	0	0%	0	0%	1	0%	0	0%
Decision - Change of Placement	9	2%	1	1%	0	0%	0	0%
Delay in Provision of Service	2	>1%	0	0%	53	23%	0	0%
Direct Payment Dispute	1	>1%	0	0%	2	1%	0	0%
Discriminatory Application of Process	1	>1%	0	0%	1	0%	0	0%
Education Provision Dispute	3	1%	2	1%	8	3%	0	0%
EHCP Delay	108	23%	56	30%	51	22%	0	0%
EHCP Process	72	15%	44	24%	34	15%	0	0%
Eligibility - Access to Service	1	>1%	2	1%	0	0%	0	0%
Eligibility for Funding	1	>1%	1	1%	0	0%	0	0%
Failure to Implement Agreed Actions	4	1%	2	1%	1	0%	0	0%
Finance	0	0%	0	0%	3	1%	2	2%
Financial	6	1%	5	3%	2	1%	0	0%
Funding	0	0%	0	0%	0	0%	1	1%
Foster care Allowance Dispute	0	0%	0	0%	1	0%	0	0%
GDPR process	0	0%	0	0%	1	0%	0	0%
HTST Dispute	17	4%	8	4%	0	0%	0	0%
HTST Escort Provision	2	>1%	0	0%	0	0%	0	0%
HTST Incident on Transport	1	>1%	0	0%	0	0%	0	0%
Insufficient Support from CSD	5	1%	3	2%	0	0%	0	0%
Other	5	1%	7	4%	0	0%	5	4%
Out of Education	16	3%	9	5%	5	2%	1	1%
Policy	4	1%	0	0%	0	0%	1	1%
Poor Communication	153	33%	32	17%	21	9%	25	19%
Process Application/Delay	0	0%	3	2%	0	0%	0	0%
Quality of Service	0	0%	0	0%	12	5%	34	26%
Racial Incident	2	>1%	0	0%	0	0%	0	0%
Refusal of Service	0	0%	0	0%	5	2%	3	2%
Safeguarding	0	0%	1	1%	1	0%	0	0%
SAR Delay	18	4%	1	1%	0	0%	0	0%
Special Guardianship Allowance Dispute	0	0%	0	0%	1	0%	0	0%
Unknown	0	0%	0	0%	0	0%	9	7%

Blank Data	0	0%	0	0%	16	7%	0	0%
<b>Total</b>	<b>466</b>	<b>100%</b>	<b>185</b>	<b>100%</b>	<b>233</b>	<b>100%</b>	<b>129</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 8 - Social Care Complaints - service**

Service	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Adoption/Permanence	3	1%	2	1%	4	2%	6	3%
Care Leavers	2	0.5%	0	0%	5	3%	5	3%
CAST	225	70%	139	70%	114	64%	108	60%
Child in Need	0	0%	0	0%	1	1%	2	1%
Child Protection	0	0%	0	0%	3	2%	0	0%
Children In Care	45	14%	37	19%	33	18%	21	12%
Disabled Children's Team	16	5%	7	4%	9	5%	14	8%
Early Help Hub	0	0%	0	0%	0	0%	0	0%
Family Support Service	2	1%	1	1%	3	2%	5	3%
Fostering	2	1%	0	0%	1	1%	0	0%
HantsDirect / Out of Hours	0	0%	0	0%	1	1%	0	0%
Independent Reviewing Service	1	0.5%	0	0%	1	0%	0	0%
Intensive Support Service	1	0.5%	0	0%	0	0%	0	0%
MASH/CRT	22	7%	9	5%	5	3%	8	4%
Not receiving a service	0	0%	0	0%	0	0%	0	0%
Occupational Therapy	1	0.5%	0	0%	0	0%	0	0%
Out of Hours	2	1%	2	1%	0	0%	0	0%
Reception & Assessment	0	0%	0	0%	0	0%	0	0%
Safeguarding Team	0	0%	0	0%	0	0%	0	0%
Services for Young People / YSS	0	0%	0	0%	0	0%	0	0%
Specialist Residential Provision	0	0%	0	0%	0	0%	0	0%
YOT	1	0.5%	1	1%	0	0%	1	1%
Unknown / Other	0	0%	0	0%	0	0%	9	5%
<b>Total</b>	<b>324</b>	<b>100%</b>	<b>198</b>	<b>100%</b>	<b>179</b>	<b>100%</b>	<b>179</b>	<b>100%</b>

Percentage calculated to zero decimal places



**Table 9 - Corporate Complaints - service involved**

Nature	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Adoption	1	0.5%	1	1%	2	1%	2	2%
Care Leavers	0	0%	0	0%	0	0%	1	1%
CAST	13	4%	7	4%	8	3%	8	6%
Children in Care	1	0.5%	1	1%	2	1%	4	3%
Child in Need	0	0%	0	0%	0	0%	0	0%
Children's Services Complaints Team	6	2%	6	3%	1	0%	2	2%
Children's Services Data Protection Team	1	0.5%	0	0%	4	2%	0	0%
Children's Services Subject Access Request Team	22	6%	4	2%	0	0%	0	0%
Disabled Children's Team	2	0.5%	1	1%	2	1%	1	1%
Education	0	0%	0	0%	1	0%	5	4%
Early Help Hub	0	0%	0	0%	0	0%	0	0%
Early Years Services	0	0%	0	0%	0	0%	0	0%
EMTAS	0	0%	0	0%	0	0%	1	1%
Family Support Service	0	0%	0	0%	0	0%	2	2%
Fostering (Family Placement)	1	0.5%	1	1%	1	0%	0	0%
HantsDirect / Out of Hours	0	0%	1	1%	0	0%	0	0%
Home to School Transport	28	7%	11	6%	11	5%	17	13%
Inclusion Support Service	6	2%	0	0%	4	2%	3	2%
Independent Reviewing Service	0	0%	0	0%	0	0%	0	0%
Intensive Support Service (ISS)	0	0%	1	1%	1	0%	0	0%
Joint Services	0	0%	0	0%	1	0%	0	0%
LADO	0	0%	2	1%	0	0%	0	0%
MASH / CRT	3	1%	0	0%	2	1%	2	2%
Non HCC	0	0%	0	0%	0	0%	1	1%
Not receiving a service	6	2%	0	0%	0	0%	0	0%
Paediatric Continence Service	0	0%	0	0%	1	0%	0	0%
Portage Service	0	0%	0	0%	1	0%	0	0%
Reception & Assessment	0	0%	0	0%	0	0%	2	2%
Safeguarding	0	0%	0	0%	0	0%	0	0%
School Admissions	10	3%	6	3%	5	2%	0	0%
SEN	257	72%	143	77%	186	80%	75	59%
Services for Young People / YSS	0	0%	0	0%	0	0%	0	0%
Strategic Development	0	0%	0	0%	0	0%	1	1%
Other/Unknown	0	0%	0	0%	0	0%	0	0%
<b>Total</b>	<b>357</b>	<b>100%</b>	<b>185</b>	<b>100%</b>	<b>233</b>	<b>100%</b>	<b>127</b>	<b>100%</b>

Percentage calculated to zero decimal places

## Outcomes sought – social care and corporate complaints

**Table 10 - Social Care and Corporate Complaints – outcome sought**

Outcome Sought	2021/22			2020/21			2019/20		
	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total
Acknowledgment of Impact on Child/ Family/ Individual	4	1	5	1	1	2	0	0	0
Agreed Service Implemented	0	2	2	0	1	1	5	0	5
Alternative Education Provision	0	1	1	0	1	1	0	1	1
Apology	4	8	12	2	0	2	2	1	3
Apology & Explanation	14	33	47	14	5	19	19	2	21
Assessment / Reassessment	0	0	0	0	0	0	5	2	7
Assessment Review	11	0	11	6	1	7	2	0	2
Assurance of Non-Reoccurrence	6	2	8	2	0	2	4	2	6
Backdated Payment	1	0	1	0	0	0	0	1	1
Best Practice Learning - Individual	0	0	0	1	0	1	2	1	3
Best Practice Learning - Service / Area	1	0	1	0	0	0	1	0	1
Better Communication	40	82	122	14	23	37	0	6	6
Case / Decision Review	11	1	12	3	1	4	2	1	3
Change Made to Contact Arrangements	13	0	13	7	1	8	5	0	5
Change of Placement Decision	7	3	10	3	1	4	2	0	2
Change of Social Worker / Worker	51	3	54	30	3	33	29	0	29
Child Returned to Family	4	0	4	3	0	3	2	0	2
Compensation	3	4	7	0	0	0	4	2	6
Complaint Issues Investigated	122	49	171	21	4	25	10	5	15
Completion of SAR Disclosure	0	13	13	0	1	1	0	0	0
Consultation on / Input into CSD Assessment	0	0	0	0	0	0	1	0	1
Contact Arrangements Finalised	9	1	10	4	0	4	1	0	1
Contact Arrangements Review	2	0	2	2	0	2	1	0	1

Outcome Sought	2021/22			2020/21			2019/20		
	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total
Continuation of Child Protection	0	0	0	0	0	0	1	0	1
Convene an Emergency Meeting	1	0	1	0	0	0	1	0	1
CSD Involvement Ceased	1	0	1	2	1	3	4	0	4
Direct Payments / Personal Budget	1	0	1	0	0	0	2	0	2
Disciplinary Action Against Staff	0	0	0	0	1	1	0	0	0
EHCP Actions Implemented	0	18	18	0	16	16	0	12	12
EHCP Amended	0	18	18	0	12	12	0	9	9
EHCP Draft Issued	0	34	34	0	13	13	0	10	10
EHCP Finalised	0	46	46	0	43	43	0	13	13
EHCP Needs Assessment Completed	0	13	13	0	11	11	0	18	18
EHCP Parental School Preference Named	0	0	0	0	0	0	0	3	3
EHCP Process Implemented	0	14	14	0	3	3	0	5	5
Emotional/ Educational/ Psychological needs met by CSD	1	0	1	1	3	4	2	0	2
Employee Training or Guidance	0	1	1	0	0	0	0	0	0
EOTAS	0	0	0	0	4	4	0	1	1
Explanation	17	22	39	12	0	12	8	14	22
Financial Reimbursement	4	4	8	0	1	1	3	3	6
Foster Care Allowance	0	0	0	2	0	2	0	0	0
GDPR - RTR	0	0	0	0	0	0	1	1	2
Improved Practice	0	0	0	0	0	0	0	12	12
Increase support from CSD	27	4	31	15	0	15	4	0	4
Kept Informed by CS	0	0	0	0	0	0	7	0	7
Meeting Request	0	0	0	0	0	0	0	2	2
New Assessment	10	0	10	1	0	1	2	0	2
Not Specified / Implied	66	36	102	19	4	23	11	5	16
Offer of a School Place	0	37	37	3	13	16	0	8	8
Other	0	0	0	0	0	0	3	0	3
Payment	0	0	0	0	0	0	0	2	2

Outcome Sought	2021/22			2020/21			2019/20		
	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total
Payment Correction	0	4	4	0	5	5	0	0	0
Payment Waived	0	0	0	0	0	0	0	1	1
Personal Budget	0	1	1	0	1	1	0	1	1
Point of View Represented on CSD Record	2	0	2	0	0	0	1	0	1
Policy / Procedure Review	4	4	8	4	2	6	13	8	21
Post Adoption Support (Adoptee)	0	0	0	0	0	0	1	0	1
Reinstate Provision / Service	2	0	2	1	3	4	0	1	1
Remedial Action Taken	0	0	0	0	0	0	0	5	5
Removal / Stepdown of Child Protection Plan	1	0	1	2	0	2	4	0	4
Request Fulfilled	0	0	0	0	0	0	7	8	15
Request for Meeting	3	1	4	2	0	2	0	0	0
Request for Update	1	0	1	1	0	1	2	5	7
Respite Provision	4	0	4	0	0	0	1	1	2
Safeguarding Action Taken (s.47)	3	0	3	0	0	0	2	0	2
Service Delivery	0	0	0	0	0	0	0	45	45
Social Worker to Remain	1	0	1	0	0	0	0	0	0
Special Guardianship Allowance	0	0	0	0	0	0	0	1	1
Staff Access to Records Checked	0	0	0	0	0	0	1	0	1
Transport Arranged	1	15	16	0	10	10	0	0	0
Not Known / Stated Not Known	12	7	19	10	0	10	0	10	10
<b>Total</b>	<b>465</b>	<b>482</b>	<b>947</b>	<b>188</b>	<b>189</b>	<b>377</b>	<b>178</b>	<b>228</b>	<b>406</b>

## Actual Outcomes – social care & corporate complaint

**Table 11 - Social Care and Corporate Complaints – actual outcome**

Actual Outcome	2021/2022			2020/21			2019/20		
	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total
Agreed Additional Support	0	0	0	0	0	0	1	0	1
Acknowledgment of Impact on Child/Family/Individual	0	1	1	0	0	0	0	0	0
Alternative HTST Arranged	0	0	0	0	0	0	0	1	1
Apology	8	26	34	0	9	9	0	37	37
Apology & Explanation	145	284	429	45	94	139	44	58	102
Assessment - Personal Budget	1	0	1	0	0	0	0	1	1
Assessment / Reassessment for a Service	0	0	0	0	0	0	2	0	2
Assurance of Non-Reoccurrence	1	0	1	0	2	2	4	2	6
Assurance re. Staff Access to Records	0	0	0	0	0	0	1	0	1
Best Practice Learning - Individual	0	0	0	12	17	29	8	6	14
Best Practice Learning - Service / Area	0	0	0	2	13	15	4	10	14
Better Communication	2	4	6	0	0	0	0	4	4
Case Closed	1	0	1	1	0	1	1	0	1
Case Transfer	0	0	1	0	0	0	1	0	1
Change of Social Worker / Worker	6	1	7	10	0	10	9	0	9
Child to be Received into Care	0	0	0	0	0	0	1	0	1
Complaint Refused	1	0	6						
Complaint Withdrawn		0	0	0	0	0	0	1	1
Complaint Withdrawn by Complainant	1	5	1	0	0	0	0	5	5
Completion of SAR Disclosure	0	0	0	0	1	1	0	0	0
Change Made to Contact Arrangements	1	0	1	0	0	0	0	0	0
Contact Arrangements Finalised	0	0	0	0	0	0	1	0	1
CPC Other	0	0	0	0	0	0	1	0	1
Direct Payments/Personal Budget	1	0	1						
Discretionary Payment	0	2	2	0	0	0	1	1	2
Discretionary SEN Package	0	0	0	0	1	1	0	1	1
EHCP Actions Implemented	1	1	2	0	1	1	0	7	7
EHCP Amended	0	2	2	0	1	1	0	1	1

Actual Outcome	2021/2022			2020/21			2019/20		
	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total	Social Care Stage 1	Corporate Stage 2	Total
EHCP Draft Completed	0	7	7	0	1	1	0	4	4
EHCP Finalised	0	7	7	0	2	2	0	3	3
EHCP Needs Assessment Completed	0	1	1	0	0	0	0	0	0
EHCP Process Implemented	0	4	4	0	1	1	0	26	26
Explanation	297	118	415	104	31	135	74	31	105
Financial Reimbursement - Actual	5	1	6	0	3	3	0	4	4
Financial Reimbursement - Offer	0	1	1	0	1	1	1	1	2
GDPR Decision/Outcome	0	0	0	0	0	0	0	1	1
Management Action (Operational)	0	0	0	0	0	0	0	2	2
Management Action (Staff)	0	0	0	0	0	0	0	1	1
Meeting Offer	4	4	8	9	2	11	15	5	20
New Placement	0	0	0	0	0	0	1	0	1
No Investigation Possible	0	2	2	0	0	0	0	1	1
Offer of a School Place	0	5	5	0	0	0	0	2	2
Opportunity for Point of View Placed on Record	0	0	0	0	0	0	3	0	3
Other	0	0	0	0	2	2	3	0	3
Out of Jurisdiction	0	1	1						
Payment Correction	0	4	4	0	0	0	0	1	1
Policy / Procedure Review	0	0	0	0	0	0	0	1	1
Request Fulfilled	0	0	0	0	0	0	5	7	12
Review / Reassessment	6	1	7	1	0	1	0	1	1
SEN Specialised Assessment	0	0	0	0	0	0	0	1	1
Safeguarding Action Taken (S.47)	1	0	0	0	0	0	0	0	0
Service to Continue	1	1	2	4	6	10	0	0	0
Social Care Actions Implemented	1	0	1	0	0	0	3	0	3
Staff training	0	0	0	0	0	0	0	1	1
Supportive Work with YP	0	0	0	0	0	0	2	0	2
Transition Plan in Place	0	0	0	0	0	0	1	0	1
Transport Arranged	1	6	7	0	1	1	0	0	0
Warning Given to Complainant (re. Behaviour)	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>485</b>	<b>489</b>	<b>974</b>	<b>188</b>	<b>189</b>	<b>377</b>	<b>188</b>	<b>228</b>	<b>416</b>

## Young People's Complaints

**Table 12 - Social Care Complaint – nature**

Nature	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Assessment Outcome	0	0%	0	0%	0	0%	0	0%
Application of Policy	1	4%	0	0%	0	0%	0	0%
Change to Service	0	0%	0	0%	1	6%	0	0%
Conduct of Worker	5	20%	4	44%	7	44%	3	60%
Contact Arrangements	2	8%						
Decision to Change S/W	0	0%	1	11%	0	0%	0	0%
Delay/Failure to Keep Informed	1	4%	0	0%	0	0%	0	0%
CSD Fairing in Duty of Care	2	8%	0	0%	0	0%	0	0%
Funding	1	4%	0	0%	0	0%	1	20%
Foster Care Allowance Dispute	1	4%						
Insufficient Support from CSD	3	12%	2	22%	1	6%	0	0%
Non-adherence to Procedures	1	4%						
Other	1	4%	0	0%	1	6%	0	0%
Out of Education	0	0%	1	11%	0	0%	0	0%
Placement Decision - Change of Placement	1	4%	0	0%	3	19%	0	0%
Placement Dispute	3	12%	0	0%	1	6%	0	0%
Poor Communication	2	8%	0	0%	0	0%	0	0%
Quality of Service	1	4%	0	0%	2	13%	1	20%
Welfare Concerns Not Acted On	0	0%	1	11%	0	0%	0	0%
<b>Total</b>	<b>25</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>16</b>	<b>100%</b>	<b>5</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 13 - Social Care Complaint – service**

Service	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Care Leavers	5	20%	0	0%	5	31%	1	20%
CAST	4	16%	3	33%	3	19%	3	60%
Child in Need	0	0%	0	0%	0	0%	0	0%
Children in Care	14	56%	6	67%	8	50%	1	20%
Disabled Children's Team	0	0%	0	0%	0	0%	0	0%
Early Help Hub	0	0%	0	0%	0	0%	0	0%
Intensive Support Service	2	8%	0	0%	0	0%	0	0%
MASH/CRT	0	0%	0	0%	0	0%	0	0%
<b>Total</b>	<b>25</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>16</b>	<b>100%</b>	<b>5</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 14 - Social Care Complaint – outcome**

Outcome Sought	Financial Year							
	2021/2022		2020/21		2019/20		2018/19	
Apology & Explanation	0	0%	0	0%	0	0%	0	0%
Assessment Review	1	4%	0	0%	0	0%	0	0%
Assurance of Non-Reoccurrence	0	0%	0	0%	2	13%	0	0%
Best Practice Learning - Individual	0	0%	0	0%	1	6%	0	0%
Better Communication	4	16%	0	0%	0	0%	0	0%
Change of Placement Decision	2	8%	3	33%	2	13%	0	0%
Change of Social Worker / Worker	1	4%	1	11%	3	29%	3	60%
Child Returned to Family	0	0%	1	11%	0	0%	0	0%
Complaint Issues Investigated	5	20%	0	0%	0	0%	0	0%
Contact Arrangements Finalised	2	8%						
Continuation of Child Protection	0	0%	0	0%	1	6%	0	0%
Financial Reimbursement	0	0%	0	0%	1	6%	0	0%
Explanation	1	4%						
Increase support from CSD	2	8%	1	11%	0	0%	0	0%
Kept Informed by CS	0	0%	0	0%	0	0%	0	0%
Not Known / Stated Not Known	0	0%	1	11%	0	0%	0	0%
Not Specified / Implied	7	28%	1	11%	1	6%	0	0%
Offer of a School Place	0	0%	1	11%	0	0%	0	0%
Post Adoption Support (Adoptee)	0	0%	0	0%	1	6%	0	0%
Request Fulfilled	0	0%	0	0%	4	25%	2	40%
<b>Total</b>	<b>25</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>16</b>	<b>100%</b>	<b>5</b>	<b>100%</b>

Percentage calculated to zero decimal places

**Table 15 - Social Care Complaints – actual outcome**

Outcome Achieved	Financial Year							
	2021/22		2020/21		2019/20		2018/19	
Apology & Explanation	3	12%	2	22%	3	19%	0	0%
Assurance of Non-Reoccurrence	0	0%	0	0%	1	6%	0	0%
Better Communication	1	4%	0	0%	0	0%	0	0%
Complaint Withdrawn	0	0%	0	0%	1	6%	0	0%
Change Made to Contact Arrangements	1	4%						
Change of Social Worker	0	0%	0	0%	0	0%	0	0%
Explanation	18	72%	5	56%	4	25%	3	60%
Meeting Offer	2	8%	2	22%	2	13%	1	20%
Other	0	0%	0	0%	0	0%	1	20%
Request Fulfilled	0	0%	0	0%	2	13%	0	0%
Supportive Work with YP	0	0%	0	0%	2	13%	0	0%
Transition Plan in Place	0	0%	0	0%	1	6%	0	0%
<b>Total</b>	<b>25</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>16</b>	<b>100%</b>	<b>5</b>	<b>100%</b>

Percentage calculated to zero decimal places



## LGSCO Complaints

**Table 16 - Complaints received by Children's Services from LGSCO**

<b>Local Government and Social Care Ombudsman (LGSCO) complaints</b>				
<b>LGSCO Referrals Received</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>	<b>2018/19</b>
Number of referrals received by CSCT from LGSCO in period	52	24	17	20
Number of final decisions received from LGSCO in period	23	35	15	N/K
Number of final decisions received when referral was received outside of period	2	21	1	1
<b>Type of LGSCO referral</b>				
Education / Non Social Care (LGSCO Complaint)	37	12	14	6
Social Care (LGSCO Complaint)	14	6	1	8
LGSCO – Assessment (referred back for local resolution)	8	2	2	6
Not Known	0	7	0	0
<b>Outcome</b>				
Not Upheld - No Evidence of Maladministration	0	1	7	2
Upheld – Maladministration - remedy complete and satisfactory	2	16	7	13
Upheld – Maladministration – no injustice	0	3	1	2
Injustice remedied during LGO consideration	6	1	0	0
Closed after initial enquiries	18	11	0	0
Awaiting outcome	10	0	0	3

## Profile of complainants

**Table 17 – all complaints – disability**

Disability	Number of representations			
	2021/22	2020/21	2019/20	2018/19
Not Stated	447	267	344	295
No	196	108	62	11
Yes	25	9	6	2
<b>Total</b>	<b>668</b>	<b>384</b>	<b>412</b>	<b>308</b>

**Table 18 – all complaints – gender**

Gender	Number of representations			
	2021/22	2020/21	2019/20	2018/19
Not Stated	482	266	287	220
Male	43	34	47	33
Female	141	84	77	48
Male & Female	2	0	1	7
<b>Total</b>	<b>668</b>	<b>384</b>	<b>412</b>	<b>308</b>

**Table 19 – all complaints – age**

Age	Number of representations			
	2021/22	2020/21	2019/20	2018/19
0 - 16	5	4	6	2
16 - 19	6	0	6	8
20 - 24	3	3	5	5
25 - 59	168	101	97	32
60 - 64	2	3	1	3
65 and over	4	1	1	1
Not Stated	480	272	296	257
<b>Total</b>	<b>668</b>	<b>384</b>	<b>412</b>	<b>308</b>

**Table 20 – all complaints – ethnicity**

Ethnicity	Number of representations			
	2021/22	2020/21	2019/20	2018/19
Any other Asian background	1	1	0	0
Any other Mixed background	1	1	0	0
Any other White background	5	5	2	6
Asian/Asian British	1	1	1	1
Black/Black British	0	0	3	1
Chinese	0	1	0	0
Mixed - White and Asian	0	1	0	0
Mixed - White and Black Caribbean	0	1	0	0
Mixed	0	0	0	0
Not Asked	0	0	1	0
Not Stated	478	277	298	269
Other Ethnic Group	1	2	1	0

White British	180	92	106	31
White Irish	1	2	0	0
<b>Total</b>	<b>668</b>	<b>384</b>	<b>412</b>	<b>308</b>

## **Appendix C**

# **Report by the Local Government and Social Care Ombudsman**

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint about  
Hampshire County Council  
(reference number: 21 004 383)**

**28 June 2022**

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## The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mr X	The complainant
Z	His son

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## Report summary

### Education: school transport

Mr X complained the Council failed to arrange suitable school transport for his son, Z.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

In addition to the above, and to remedy the injustice caused to Mr X by its faults, the Council has agreed it will, within four weeks of the date of our report:

- apologise to Mr X for the faults in its handling of Z's transport application, and delay, time and trouble these caused;
- pay Mr X its mileage allowance for his journeys driving Z to and from school until suitable transport was put in place (if it has not done so already);
- pay Mr X £250 to acknowledge his and his wife's time and trouble driving Z to and from school each day until suitable transport was put in place. This is a symbolic amount based on our published [Guidance on Remedies](#); and
- pay Mr X £150 to acknowledge his time and trouble corresponding with the Council about, and appealing against, the suitability of its transport offers. This is a symbolic amount based on our published [Guidance on Remedies](#).

And, the Council has also agreed it will, within three months of the date of this report, provide us with evidence it has reviewed its school transport offer letters to ensure it provides families with details of the statutory guidance, its policy and the appeals process.

The Council should provide us with evidence it has completed these recommendations.

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## The complaint

1. Mr X complained the Council failed to:
  - arrange suitable school transport for his son, Z. It initially offered transport with travel times outside the statutory guidance. It then offered transport without the escort Z needed; and
  - provide information about its appeals process when he rejected the initial offer.
2. Mr X and his wife incurred the cost, time and trouble of taking Z to and from school each day until the Council provided suitable school transport.

## Legal and administrative background

### The Ombudsman's role and powers

3. We investigate complaints about 'maladministration' and 'service failure'. In this report we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

### The relevant law and guidance – home to school transport

4. Councils must provide free home to school transport for eligible children of compulsory school age to their qualifying schools. (*Education Act 1996, section 508B and Schedule 35B*)
5. A council may make travel arrangements for an eligible child, if the parent agrees, by offering a mileage allowance to the parent to drive the child to school. (*Education Act 1996, section 508B and Schedule 35B*)
6. 'Home-to-school travel and transport statutory guidance' ('the Guidance'), issued in July 2014 provides councils with guidance about suitability of travel arrangements. This says:
  - best practice suggests the maximum journey to or from school for a child of primary school age should be no more than 45 minutes and for secondary school age 75 minutes. For children with special educational needs or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible; and
  - for arrangements to be suitable, they must be safe and reasonably stress free, to enable the child to arrive at school ready for a day of study.
7. The Guidance also:
  - says councils must publish general arrangements and policies for home to school travel and transport for children of compulsory school age. This should also set out clearly complaints and appeals procedures for parents to follow should they have cause for complaint about the service or wish to appeal about the eligibility of their child for travel support; and
  - recommends a two-stage review/appeals process. Stage one being a review by a senior officer, and Stage two a review by an independent appeal panel.

### The Council's home to school transport policy

8. The Council's policy is published on its website. This includes the following.



- 
- Transport arrangements will allow the child to reach school without undue stress, strain or difficulty. Shorter journey times are desirable in achieving this. As a guide, maximum journey times should be 45 minutes for primary school age children.
  - An escort will be provided on SEN transport when required based on the needs of the students travelling.
  - The most economic form of transport available will be provided, having due regard to the availability of the transport as determined by the Passenger Transport Group (PTG) of HCC and the maturity, health or special needs of the pupil, as determined by the Head of Transport in Children's Services Department.
  - In certain circumstances, the most suitable arrangement, with parents' consent, might be for parents/carers to provide the transport, for which an allowance, currently 35p per mile, will be paid.
  - The Council has a complaints and appeals process. The appeals process is set out in an appendix to the policy and provides a two-stage process as recommended in the statutory guidance.

### **How we considered this complaint**

9. We produced this report after speaking to Mr X and considering all the information he and the Council provided about the complaint.
10. We gave Mr X and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

### **What we found**

#### **What happened**

11. Our summary of the key events is set out below. It is not meant to show everything that happened.
12. Z has special educational needs (SEN) and is eligible for free school transport. He was five in March 2021 and due to start primary school in April 2021. His school was over 12 miles from home.

#### **Application for school transport for Z in February 2021**

13. On 12 February the Council's Home to School Transport service received an application for home to school transport for Z from his school. The school confirmed in the application form Z needed an escort because of his age, speech, language and communication difficulties.
14. The Council says when it received this application, it considered the travel arrangements it could put in place for Z. There was an existing transport arrangement, with an escort, for three other children attending his primary school. The travel times for these children from home to school on this transport were between 40 to 60 minutes.

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15. The Council proposed adding Z to the existing transport. He would be picked up first, so the journey times for the other children would be unchanged. Z's journey time would be 1 hour 40 minutes, which exceeded the Guidance and the Council's own policy of a maximum of 45 minutes for a child of Z's age. The Council says the only other option was an individual taxi for Z, but it had a shortage of available escorts. The existing transport met Z's need for an escort.
  16. The Council added Z to the existing transport on 9 March. It says it then began a discussion with Mr X about the arrangement it had made for Z.
  17. Mr X says the Council advised him it had arranged transport and added Z to an existing route. Z would be picked up at 7.20am and the journey time would be 1 hour 40 minutes. He told the Council he was unhappy with this offer because of the journey time but was informed this was the only arrangement the Council could offer. As Mr X was unhappy with the Council's offer, he and his wife had no alternative but to drive Z to school each day themselves.
  18. Mr X asked whether there was an escalation process. The Council told him he could appeal if he believed the transport offered was unsuitable and explained the process.

#### **Mr X's appeals and the Council's response**

19. Mr X appealed. In response to his appeal the Council accepted the proposed travel time of 1 hour 40 minutes was too long and the Guidance said this should be no more than 45 minutes for a child of Z's age. It offered Mr X the option of a mileage allowance for taking Z to school. Mr X told the Council this was not a viable option. It confirmed it would look at alternative provision for Z.
20. In April the Council told Mr X it could arrange a taxi for Z but not an escort. It again offered Mr X the mileage allowance for driving Z to school or the option of accompanying Z in the taxi.
21. Mr X was unhappy with these proposals. He appealed and asked the Council to provide transport which did not require parental involvement.
22. In response to the appeal the Council confirmed it accepted the mileage allowance option required parental agreement, which Mr X had not given. It explained it did not have enough escorts for all SEN routes and did not have an escort available for Z's individual taxi. It said its transport officers had assessed Z could travel without an escort. If Mr X did not agree to this, or the mileage allowance, the only other option available was the contracted school vehicle route originally offered.

#### **The assessment of Z's need for an escort**

23. Mr X questioned the officers' assessment Z could travel without an escort. The Council said they had used the school's transport application form which provided information about the child's needs and it had access to records such as Education Health and Care Plans to help with their assessments.
24. In May Mr X appealed against the assessment Z did not need an escort. He referred to the school's transport application which stated Z required an escort.
25. The Council accepted the appeal. It told Mr X they did not have any available escorts for the moment and would re-tender the route to include an operator provided escort. In the meantime, it could offer the mileage allowance for Mr X to drive Z to school or a taxi with Mr X accompanying Z to and from school.

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### **Mr X's complaint and current position**

26. Mr X was unhappy with the situation and complained to us. He and his wife continued to drive Z to and from school.
27. The Council told Mr X it had been able to arrange a solo taxi with an escort for Z. This arrangement started shortly after Mr X complained to us and remains in place.

## **Conclusions**

### **The transport offer**

28. The Council knew from the outset Z's journey time on the existing school transport would significantly exceed the maximum set out in the Guidance and its own policy for a child of his age. There is no evidence it discussed this with Mr X. It seems instead to have put this to him as the only option, which he immediately rejected because of the journey time.
29. But it took an appeal by Mr X for the Council to confirm it accepted the proposed journey time of 1 hour 40 minutes was not suitable. We consider this was fault by the Council.
30. Z had already started school by then with Mr X driving him there and back each day because the Council had not arranged suitable transport.
31. Mr X also made it clear he would not accept the offer of a mileage allowance for driving Z to school. The Council knew this travel arrangement could not be put in place without the parent's agreement. But there was further delay, and another appeal by Mr X, before the Council confirmed it accepted this point. We consider this was fault.
32. This left the option of an individual taxi with or without an escort. The Council said it had now assessed Z did not need an escort. But it had initially accepted Z needed an escort as confirmed by his school in the application form. It later said it had used this same form to assess Z could travel without an escort. We have not seen any other records used by the Council for its assessment. We do not consider the Council properly assessed Z's need for an escort in April, or had a sound reason for the change in view about the need for an escort. In our view this was fault by the Council.
33. It was not until 3 June, after a further appeal by Mr X, and some three months after it had received Z's transport application, that the Council finally offered to arrange a taxi with an operator provided escort to take Z to school. It then took some weeks to source this transport.
34. The Council has told us it needs about 600 school escorts a day and has dedicated four officers supporting them. Although there is a permanent recruitment process it currently has a shortage of escorts, caused in part by the impact of COVID-19.
35. We understand the difficulties this shortage causes the Council in arranging school transport where an escort is needed. But we consider it should have been clear by mid-March, the only option for providing suitable home to school transport for Z, without parental involvement, to fulfil its statutory duty, would be an individual taxi with an operator provided escort. In our view, the Council should have sourced provision at this stage, and its failure to do so was fault.

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36. We consider the above faults delayed the arrangement of suitable school transport for Z. This caused Mr X the expense, time and trouble of driving Z to and from school from April to July 2021 and time and trouble appealing offers of unsuitable transport.

### **Information provided by the Council about the statutory guidance on travel time and the appeals process**

37. This information is published in full on the Council's website. But, based on the evidence we have seen, the Council does not make parents aware of the Guidance, or its own policy, when it offers children transport with journey times in excess of the Guidance. And it does not notify parents about the appeals process in these cases.
38. We consider this is fault by the Council, which is likely to affect other children, and their families, for whom it has arranged transport with journey times in excess of the statutory guidance.

### **Recommendations**

39. In response to our draft report the Council told us it would complete the personal remedies we recommended for Mr X, and also the review we proposed of the content of its school transport offer letters. We welcome the Council's acceptance of our recommendations.
40. To remedy the injustice caused to Mr X by the above faults, the Council has agreed it will, within four weeks of the date of this report:
- apologise to Mr X for the faults in its handling of Z's transport application, and delay, time and trouble these caused;
  - pay Mr X its mileage allowance for his journeys driving Z to and from school until suitable transport was put in place (if it has not done so already);
  - pay Mr X £250 to acknowledge his and wife's time and trouble driving Z to and from school each day until suitable transport was put in place. This is a symbolic amount based on our published [Guidance on Remedies](#); and
  - pay Mr X £150 to acknowledge his time and trouble corresponding with the Council about, and appealing against, the suitability of its transport offers. This is a symbolic amount based on our published [Guidance on Remedies](#).
41. The Council has also agreed it will, within three months of the date of this report review its school transport offer letters to ensure it provides families with details of the statutory guidance, its policy and the appeals process.
42. The Council should provide evidence it has completed these recommendations.
43. In addition to the above, the Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

### **Decision**

44. We have completed our investigation into this complaint and have found fault by the Council. The action we have recommended is a suitable remedy for the injustice caused.

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Children and Young People Select Committee
<b>Date of meeting:</b>	17 October 2022
<b>Report Title:</b>	Work Programme
<b>Report From:</b>	Chief Executive

**Contact name:** Members Services

**Tel:** 0370 7791243

**Email:** [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk)

#### **Purpose of this Report**

1. To consider the Committee's forthcoming work programme.

#### **Recommendation**

2. That the Children and Young People Select Committee consider and approve the work programme.

**WORK PROGRAMME – CHILDREN AND YOUNG PEOPLE SELECT COMMITTEE – Changes since last meeting**

Topic	Issue	Reason for inclusion	17 October 2022	22 November 2022	12 January 2023	11 May 2023	September 2023
Pre-scrutiny	Consideration of Revenue and Capital Budgets	To pre-scrutinise prior to consideration by the Executive Lead Member for Children's Services.			X		
Pre-scrutiny	Safeguarding Report – Children's Services	To pre-scrutinise the annual safeguarding report prior to consideration by Cabinet.		X			
Pre-scrutiny	Firvale Residential Respite Childrens Unit	To pre-scrutinise prior to consideration by the Executive Lead Member for Children's Services.	X				
Overview	Section 30 Ombudsman Report	To provide an update on a recent Section 30 Ombudsman Report.	X				
Overview	Special Educational Needs & Disability (SEND)	To receive a regular update on SEND	X				
Overview	School Attainment	To provide an annual update on attainment of children and young people in Hampshire schools.			X		
Overview	Child and Adolescent Mental Health Service (CAMHS)	To provide a regular update on CAMHS in Hampshire, to include progress made to reduce waiting times for access to CAMHS treatment. <i>Last update – September 2021</i>		X			

Topic	Issue	Reason for inclusion	17 October 2022	22 November 2022	12 January 2023	11 May 2023	September 2023
Overview	Ethnic Minority and Traveller Achievement Service (EMTAS)	To receive a biennial update on the Hampshire EMTAS <i>Last update January 2021</i>			X		
Overview	Home to School Transport Policy	To receive an update on the implementation of updates to the Home to School Transport Policy introduced in July 2022. <i>Last update July 2023.</i>					X
Overview	Autism Assessment Services	To provide a regular update on progress towards improving Autism services for children and young people in Hampshire. <i>Following an update in September 2020, written updates were requested by the Committee alongside an annual presentation.</i>	X	X Present ation	X	X	X

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None



## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

This is a scrutiny review document setting out the work programme of the Committee. It does not therefore make any proposals which will impact on groups with protected characteristics.

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