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Hampshire County Council

**NOTICE OF MEETING**

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| **Meeting** | Executive Lead Member for Children's Services Decision Day |
| **Date and Time** | Monday, 17th July, 2017 at 10.00 am |
| **Place** | Wellington Room, EII Court, The Castle, Winchester |
| **Enquiries to** | members.services@hants.gov.uk |

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

**FILMING AND BROADCAST NOTIFICATION**
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**AGENDA**

1. **PERMISSION TO CONSULT ON PROPOSALS TO CLOSE TWO OVERNIGHT RESPITE RESIDENTIAL HOMES FOR CHILDREN WITH DISABILITIES AS THE COUNCIL MOVES TOWARDS A WIDER RANGE OF OVERNIGHT RESPITE SERVICES.** (Pages 3 - 20)

   To consider a report of the Director of Children's Services regarding the future of overnight respite services

**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 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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**HAMPSHIRE COUNTY COUNCIL**

**Decision Report**

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| **Decision Maker:** | Executive Lead Member for Children's Services |
| **Date:** | 17 July 2017 |
| **Title:** | Permission to consult on proposals to close two overnight respite residential homes for children with disabilities as the Council moves towards a wider range of overnight respite services. |
| **Report From:** | Director of Children's Services |

**Contact name:** Amber James

**Tel:** 01962 845973 **Email:** amber.james@hants.gov.uk

## 1. Executive Summary

1.1. The purpose of this paper is to request permission to consult on the proposed closure of Sunbeams and Merrydale, two Hampshire County Council-owned residential respite homes, as the Council moves towards a wider range of overnight respite services.

1.2. The County Council is reviewing how it provides overnight respite to disabled children and their families. Children's Services is developing a new offer, expanding the range of services available to give greater choice to current and future users of in-house residential respite.

1.3. If, following consultation, a decision is made by the Executive Lead Member for Children's Services to close the two homes, the 47 children and young people currently receiving services at Merrydale and Sunbeams would receive an equivalent offer to meet need – there would be no reduction in services from the County Council.

1.4. '*Aiming High for Disabled Children'* accelerated a change in approach from providing overnight respite for disabled children in primarily institution-based care, to offering a range of services which enables disabled children and young people to remain in their communities and alongside their disabled and non-disabled peers.[1] The County Council's offer for overnight respite is historically based on residential services.

[1] *Aiming High for Disabled Children: better support for families.* HM Treasury and Department for Education and Skills, May 2007.

1.5. Over the last three years, the County Council has worked with parents of children with disabilities to explore new ways to provide overnight respite within a context of working to improve choice and increased flexibility. Service user engagement, pilot projects and national research show a clear preference towards options which provide greater personalisation of overnight respite for disabled children and young people, and their parents and carers.

1.6. The proposal to close Sunbeams and Merrydale is being made on the basis of:

- The future availability of a new offer of overnight respite which is more in line with feedback from service users and their families and a less institutionalised approach;
- Analysis that greater value for money per bed per night can be achieved by working more closely with independent providers. The County Council wants to ensure that any money spent is on the children receiving the service, not on infrastructure costs; and
- The ongoing costs associated with maintaining Sunbeams and Merrydale, which both require improvement to the condition of the buildings.

1.7. An eight-week consultation period is proposed, during which the views of service users, their families, staff and other stakeholders would be sought on the proposal to close the two homes. If approved, the consultation would directly engage with the individual children and young people, their parents and carers who are directly impacted by this proposal. The consultation would explore what impact the proposals might have on them, and what their options may be in continuing to access overnight respite. A separate parallel consultation would also be held with staff who work in the homes.

## 2. Contextual and background information

2.1. This proposed consultation relates to overnight respite in two residential respite homes owned and run by the County Council. The proposal **excludes** short break activities.

### A national and local change of approach

2.2. Hampshire is one of only eight '*Good*' / '*Outstanding*' local authorities chosen by the Department for Education to innovate and test new ways of social work practice for vulnerable children and families. Hampshire Children's Services' vision is '*building resilience together*' and involves radical, whole system change.

2.3. National reviews have taken place in recent years which consider the shape of care for children with disabilities. '*Aiming High for Disabled Children'*

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http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/PU213.pdf

accelerated a change in approach from providing overnight respite for disabled children in primarily institution-based care, to offering a range of services which enable disabled children and young people to remain in their communities and alongside their disabled and non-disabled peers.

2.4. Reporting in January 2017, the Department of Health's Lenehan Review took a strategic overview of the practical action which could be taken to co-ordinate care, support and treatment for children and young people with complex needs (and behaviour that challenges), involving mental health problems and learning disabilities and/or autism.[2] Dame Christine Lenehan spoke to a range of organisations and individuals, including young people and their families, and made 11 recommendations for the improvement of the system. The two key recommendations were:

- "*At a local level, commissioning and delivery of all services for our children should acknowledge and respect their right to a childhood*."
- "*Urgent action at a national level to prevent these children being institutionalised at an early age, at huge cost to the taxpayer and with low ambitions for improving their lives.*"

2.5. These findings/recommendations are consistent with the themes discussed through engagement with providers, children and young people with disabilities, and their parents/carers, on the redesign of respite care in Hampshire. Of the children the County Council is responsible for, there are proportionally more disabled children placed in residential care settings than non-disabled children in Hampshire, and it is this imbalance that the County Council wishes to address.

**Overnight respite services for children with disabilities**

2.6. The Breaks for Carers of Disabled Children Regulations 2011 place a duty on local authorities to provide a range of services for disabled children and their families which includes, "overnight care in the homes of disabled children or elsewhere." The County Council's offer for overnight respite is historically based on residential services.

2.7. Children with disabilities are assessed by qualified children's social workers against Hampshire County Council's eligibility criteria. The County Allocation Panel (CAP) approves individual children/young people for overnight respite, where the need for it has been clearly proven via assessment and planning.

2.8. Services can be provided for children between the ages of 0-18 who live at home with their parents or carers, and, if approved for overnight respite, would receive regular programmed overnight stays at one of the three County Council-owned residential homes or with an external provider. As at January 2017, 233 children and young people were approved to receive overnight respite.

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[2] *These are our children: A review by Dame Christine Lenehan*, Director of the Council for Disabled Children. Review commissioned by the Department of Health, January 2017.

2.9. As of 31 March 2017, the two homes proposed for closure were supporting 47 children. Children require a high level of staff support whilst staying at a residential home. Staffing levels vary depending on the child's needs and individual care plans. Typically the staffing ratio is two children to one member of staff. However, some children receive one-to-one or two-to-one support, depending on their level of need. There are 42 members of staff employed to work in the two homes.

**Financial context**

2.10. Since the start of national austerity measures in 2010, central Government has significantly reduced its funding to the County Council. In response, the County Council has worked diligently to stretch every penny and deliver more with less money – achieving over £340 million in recurring savings, while protecting the quality of services as far as possible and keeping Council Tax low.

## 3. Proposal to consult on the closure of Sunbeams and Merrydale, overnight respite homes for children with disabilities

3.1. Overnight respite is currently provided either in one of the three County Council residential respite homes – Merrydale in Kings Worthy, Winchester; Sunbeams in Aldershot; and Firvale in Basingstoke – or purchased via the Council's contract with external providers.

3.2. **Firvale is not proposed to close.** Firvale is a purpose built nine-bed home in Basingstoke, owned by Hampshire Hospitals NHS Foundation Trust (HHFT), and jointly funded and managed by the County Council and HHFT providing for a cohort of children who have very complex needs. The table in paragraph 3.9 sets out the bed night costs for Merrydale and Sunbeams. The bed night costs for Firvale are higher than Merrydale and Sunbeams due to the complex needs of the children who stay there. Firvale has not been included in this table.

3.3. The proposal to close Sunbeams and Merrydale is based on:

- The future availability of a new offer of overnight respite which is more in line with feedback from service users and their families and a less institutionalised approach;
- Analysis that greater value for money per bed per night can be achieved by working more closely with independent providers. The County Council wants to ensure that any money spent is on the children receiving the service, not on infrastructure costs; and
- The ongoing costs associated with maintaining Sunbeams and Merrydale, which both require improvement to the condition of the buildings.

3.4. An Equality Impact Assessment (EIA) has been carried out on this proposal to consult, to inform and support the proposed consultation materials. The initial EIA is available online at: www.hants.gov.uk/childrens-services/about-cs/cs-equality-diversity.htm.

**Merrydale, Kings Worthy, Winchester**

3.5. Merrydale is a 13-bed home. Merrydale previously incorporated four beds for children with complex health needs, staffed and paid for by the NHS. Those four beds are no longer resourced by the NHS, which has meant that Merrydale has moved from a nine-bed home to 13 beds. As of 31 March 2017, there were 28 users of Merrydale. The children and young people who access Merrydale have severe learning disabilities. Whilst not a purpose built home, over the years a number of adaptations have been made to the premises to ensure the needs and safety of the children using the home and the regulatory requirements have continued to be met.

The potential property liabilities of Merrydale over the next six to eight years have been assessed by the County Council's building surveyors. In order to maintain the home to a safe and quality standard, the home would require refurbishment costing in the region of £390,000. To provide an ongoing home for the future, money would need to be spent on upgrading the bathrooms/wet rooms, laundry, kitchenettes, internal and external decoration and specialist garden equipment/furniture.

**Sunbeams, Aldershot**

3.6. Sunbeams is a four-bed home. As of 31 March 2017, there were 19 users of Sunbeams. Sunbeams is co-located within premises which also house other services for children and young people. The children who access Sunbeams have severe learning disabilities. Whilst not a purpose built home, over the years a number of adaptations have been made to the premises to ensure the needs and safety of the children using the home and the regulatory requirements are met.

The potential property liabilities of Sunbeams over the next six to eight years have been assessed by the County Council's building surveyors. In order to maintain the home to a safe and quality standard for the future, the home would require refurbishment costing in the region of £310,000. Money would need to be spent on replacing two boilers and replacing lighting.

**Average unit rates**

3.7. The table below shows a comparison of average unit rates, based on different methodologies, between the in-house and external residential respite units. The 2015/16 actuals show the actual average unit rates per night, per service user during the financial year April 2015 to March 2016. The 1:2 and 1:1 rates compare the average contracted rates per night, per service user for those ratios of care compared to the equivalent in-house rate, assuming 80% occupancy.

| | Sunbeams | Merrydale | External |
|---|---|---|---|
| **2015/16 Actuals** | £588.63 | £635.59 | £319.92 |
| **1:2 rate** (per night)** | £470.78 | £383.60 | *£278.40 |
| **1:1 rate** (per night)** | £686.40 | £626.58 | *£561.34 |

*Average contracted rates

**Based on all in-house service users being one ratio at 80% occupancy

3.10 The table in 3.9 shows the bednight costs for Merrydale and Sunbeams. Firvale has not been included in this table as it is remains open but the bednight costs are higher than Merrydale and Firvale due to the complex needs of the children who stay there.

## 4. Ongoing engagement with children with disabilities and their parents

4.1. The Children's Services Department has a long history of engagement with children who have disabilities and their parents, and has carried out a number of formal public consultations on proposals for change. Please see Integral Appendix A.

4.2. Throughout 2015 and 2016, substantial engagement has taken place with children with disabilities and their parents, and with providers of overnight respite services, to understand what service users want to receive from overnight respite, and what the marketplace has to offer.

4.3. The County Council has developed a valued partnership with the *Hampshire Parent Carer Network* (HPCN) and *Parent Voice*, both contributing to review how overnight respite is provided. Feedback from focus groups, workshops and surveys involving HPCN, *Parent Voice* and families who currently receive overnight respite, has contributed to option development and appraisal.

4.4. Engagement with families told the County Council that:

- There is a desire for a wider choice of overnight respite, beyond a stay in a traditional respite home;
- There is a desire to offer children and young people the opportunity to take part in exciting and stimulating activities as a core part of the respite offer;
- There is a need to support older children to develop life skills and independent living skills as part of an overnight break;
- There is a need for parents and carers to have access to help to find solutions for underlying issues – such as sleep deprivation – which would enable families to become more resilient;

- Parents and carers have requested more variety of duration of overnight respite, particularly when travel time to and from a respite setting is taken into account;
- Some families would like to be able to combine an overnight respite for the whole family with shared and individual activities available in a supported environment; and
- There is a need to offer age-appropriate overnight respite.

4.5. Research and engagement with providers of services to disabled children showed that:

- There was a significant reliance on the local authority in commissioning services, which meant that the market responded to the demands and needs identified to them by local authorities, rather than the wishes of families; and
- Small scale projects and initiatives in particular locations, offered alternatives to traditional overnight respite.

4.6. Following further discussion with families, it was agreed to pilot new approaches on a small scale, allowing the County Council, providers and families to work together to co-produce new services and test how they worked.

## 5. Pilot projects for Overnight Respite

5.1. The co-produced pilot approach facilitated a greater level of engagement with families and providers. The benefits of the approach were tested and measured, prior to countywide rollout. The focus and design of the pilots was agreed with families in early 2016. The pilot services were delivered during the summer/autumn 2016, with evaluation at key points during and after the pilots.

5.2. The four pilots of alternatives to traditional overnight respite were:

- Disability Challengers Overnight Activity Breaks
- Minstead Trust 16+ Overnight Independence Breaks
- Sebastian's Action Trust Whole Family Overnight Break
- Kids Intensive Sleep Support Programme

26 families took part in the four pilot services. The ages of the children ranged from 4-17 years old.

Excluding the Intensive Sleep Support pilot, at the time 6 families were receiving services from an in-house overnight respite home, and 6 were accessing support via an external overnight respite home. One family was in receipt of a personal budget. The remaining service users had not yet been allocated an overnight respite service.

5.3. After the pilots, workshops and focus groups were carried out with providers and families. Feedback showed that the pilots were well-received by children and families, and pilot services were considered to be appropriate alternatives to residential overnight respite. Feedback showed:

- Positive outcomes and experiences in relation to Overnight Activity Breaks, Overnight Independence Breaks and Whole Family Overnight Breaks;
- The need to ensure a variety of changing activities were on offer for Overnight Activity Breaks;
- There is potential for significant development of independent living skills associated with Overnight Independence Breaks;
- Demand for Whole Family Overnight Breaks was likely to be relatively low and more likely to meet the needs of families with younger children; and
- Sleep intervention work needed to be appropriately targeted as an intervention rather than an overnight respite. The full benefits of this programme were difficult to evidence within the pilot timescales. This was due to the nature of the support being provided, which required a longer term intervention.

## 6. How overnight respite could be accessed and delivered

6.1. The pilot projects supported the development of a commissioning strategy which is designed to give children and families eligible for overnight respite greater choice and flexibility.

6.2. Children's Services intend to issue a new tender for providers of overnight respite, replacing the existing framework with one which takes a more modern, outcome-focused approach, *and* takes into account the lessons learned from the pilots which would potentially see the expansion of the pilot areas around the county. Contracts with external providers would be structured so that any changes in demand may be accommodated without undue commercial risk to the County Council.

6.3. The table below sets out the new offer planned to become available to families eligible for overnight respite later in the year. Options within this new offer are not mutually exclusive, and families would be able to create overnight respite packages which meet the needs of their children. Families' choice of overnight respite can vary over time as the needs of the family change.

| New service offer | Description of service | External provider or in-house? | A new or existing service? |
|---|---|---|---|
| Firvale – residential overnight respite provision | Firvale is a purpose built nine-bed home in Basingstoke, jointly funded and managed by Hampshire County Council and Hampshire Hospitals NHS Foundation Trust. Four beds are for children and young people with complex health and disability needs, funded by HHFT. Another five beds provide overnight respite for children and young people with severe learning disabilities, funded by Hampshire County Council. The children who access Firvale have severe learning disabilities, complex health needs and severe physical disabilities. | In-house | Existing |
| Revised Overnight Respite Framework Agreement | A new framework agreement (replacing the current Overnight Respite Framework Agreement) is due to be tendered and will be in place later in the year. It is anticipated that this will provide families with access to at least five overnight respite residential homes across the county. | External | Existing but refreshed |
| Specialist Respite Care | Formerly known as 'Family Link,' Specialist Respite 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. Specialist 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. This service is due to be available in autumn 2017. | In-house | Existing but refreshed |
| Whole Family Overnight Breaks | Family Breaks provide an opportunity for the whole family to go away together, spending time at a location that is fully equipped to support those with learning difficulties and disabilities. The County Council is due to develop this service and an approved list of providers will be in place later in the year. | External | New |

| New service offer | Description of service | External provider or in-house? | A new or existing service? |
|---|---|---|---|
| | Families would also be able to request consideration of new providers to be added to the list to widen the choice of where they spend the break. | | |
| Care Support | A family may wish to have a break in their own home, either for shorter periods during the day or having a carer stay overnight, so the child does not need to stay somewhere else e.g. in a residential setting. This could be with or without the parents in the home. | External | Existing but refreshed |
| Enhanced activities | In consultation with children and families, in-house and external providers offer a range of on and off-site activities. Where an additional need is identified, for example, an increase in activity centre-based trips, an enhanced offer can be supported via the existing short breaks activities programme. Activity Breaks can also be accessed via family Breaks. | External | New |
| Overnight Independence Skills Break | 1. Overnight respite providers can provide a skills development-based break for older young people aged 16 years and over.<br><br>2. The County Council is currently developing a pilot project for young people aged 16-25 years old. Service users would have personalised plans to identify and work to meet specific independence outcomes. This is a longer-term option which is being explored; providers are being consulted on the feasibility of meeting this requirement by changing what current residential provision the County Council provides within the market. | External | New |

## 7. Staffing implications

7.1. Proposals in the consultation would directly impact on staff. The proposal would mean a reduction in staffing equivalent to 31.45 FTE (42 headcount) of which 23.31 FTE are permanent employees and 8.14 FTE are temporary employees.

- There are currently 24 members of staff working at Merrydale (18.42 FTE)
- There are currently 18 members of staff working at Sunbeams (13.03 FTE)

7.2. If the proposals to open a public consultation are agreed, a separate consultation, on the proposed staffing changes and the implications, would take place with staff and trade unions between 7 August and 2 October 2017. Managers, together with dedicated HR support, would ensure staff members are given every opportunity to ask questions and offer feedback throughout the staff consultation process.

7.3. The proposal would include the opportunity to apply for Enhanced Voluntary Redundancy (EVR2) to minimise compulsory redundancy. The application window would be extended to allow for the proposed closing date for EVR2 applications to be after the Executive Lead Member's decision on the proposals, allowing staff time to consider their application with full knowledge of the decision outcome. Redeployment and outplacement support would be provided.

7.4. It would be the intention to allow staff from Firvale to apply for EVR2, on the basis that applications from Firvale staff would only be accepted where it guarantees a redeployment opportunity for a displaced staff member from either Sunbeams or Merrydale, and would prevent a compulsory redundancy.

## 8. Engagement and process for consultation

8.1. The consultation would seek views on the proposals to close Sunbeams and Merrydale, residential respite homes, providing overnight respite for children with disabilities. It is proposed that an eight-week consultation would be undertaken, commencing from 7 August 2017. During this time, views would be sought, including those of service users, their parents or carers, staff, trade unions and other stakeholders.

8.2. The consultation would gather views through both online and paper questionnaires. The consultation would be published on the County Council's website at: www.hants.gov.uk/consultations. An Easy-Read version of the consultation document would also be made available.

8.3. To facilitate consultation with children and young people with disabilities, and their parents, letters about the consultation would be sent, and one-to-one meetings with a familiar child social worker would be offered to all 47 users of the two homes proposed to close. Child social workers would work with children and their families to help them to consider the proposals and the

impact they might have on them if the two homes closed. The child social worker would also explain the alternative options which would be available to meet their respite needs. To aid the inclusion of children, young people and their parents/carers, additional online response options would be made available including the ability to record a video or audio response, as well as written responses.

8.4. Children and young people, their parents or carers, and other stakeholders would also have the opportunity to attend a consultation event. These events would be advertised on the County Council's consultation webpage, at Sunbeams and Merrydale, in press releases and using the County Council's social media channels.

8.5. Providers of overnight respite and other stakeholders would be contacted by the County Council about the consultation to make them aware of the proposals.

8.6. If it is agreed to undertake a public consultation on the proposed closure of Merrydale and Sunbeams, findings would be published in a report to the Executive Lead Member for Children's Services, for a decision on the proposed closures by the end of 2017. Outcomes from the consultation would also be used to update the Equality Impact Assessment, presented to the Executive Lead Member for Children's Services.

## 9. Equality Impact Assessment

9.1. A full Equality Impact Assessment has been carried out on these proposals to consult which has shown that the proposal would directly impact 47 children and young people with disabilities, and their parents and carers. The proposal also directly impacts 42 staff (headcount, equivalent to 31.45 full time equivalent employees).

9.2. There are currently 19 children and young people using Sunbeams, aged between 10 and 17. There are 28 children and young people using Merrydale, aged between 10 and 17. In both homes, the majority of current service users are male.

9.3. The Equality Impact Assessment outlines the provision of services at Sunbeams and Merrydale for children with a range of mobility, learning, physical and sensory disabilities. The majority of users are recorded as having one or more types of disability. If approved, the consultation would undertake significant, supported engagement activity during the consultation period. If, pending a further decision by the Executive Lead Member for Children's Services the homes were to close, every child and family affected would be offered an alternative and suitable care package that would meet their assessed needs.

9.4. Potential issues relating to poverty and rurality have also been identified by the Equality Impact Assessment. The proposed closure of the two homes could change the market of providers of overnight respite services. Should there be a change in the marketplace, there is a risk that children and young people with disabilities and their families may not be able to access their

preferred overnight break, or a break that they need. In some areas of the county, it could mean that children and their families need to travel further, potentially increasing travel time and cost. As a result families on low incomes and people in rural areas may experience an increased sense of isolation and pressure. Pending the outcome of the tender process, there could also be a lack of alternative overnight respite services located in the centre, north and east of the county, with the main service providers operating in the south and west of the county. This is a continuation of the current position.

9.5. There are 42 members of staff employed to work in the homes (31.45 FTE). Sunbeams employ a higher number of women than men. The majority of staff working in the homes are aged between 30 and 59, which is higher than the Hampshire County Council average. The proposal could lead to voluntary redundancy or compulsory redundancy and, in turn, lead to loss of earnings.

9.6. The full Equality Impact Assessment is available to view at: www.hants.gov.uk/childrens-services/about-cs/cs-equality-diversity.htm

## 10. Alternative options

10.1. A number of alternative options have been explored and rejected:

a. To invest resources in improving the buildings and services at the two homes. This has been rejected because this option would not seek to improve children's outcomes, would not allow investment in a wider range of services which families tell the County Council they want, and would not be in line with the approach to stop institutionalising care.

b. To convert Merrydale to long stay residential usage. This has been rejected as a previous business case demonstrated this was not financially viable or sustainable. This also does not support the principles of developing a new and broader service for overnight respite provision.

c. To reconfigure existing overnight respite services. For example, increasing the range of overnight respite on offer from the external market, decreasing the number of purchased or in-house residential stays – selected on the basis of being the lowest cost to implement and strongest outcomes for children and young people. This option has been rejected because this would not offer families the range or flexibility to tailor services.

d. To make no change and continue to keep the two homes open. Through engagement with children and young people, and their parents or carers, the County Council has been told they would like more choice, control and flexibility. Also, this option would not improve value for money.

## 11. Finance

11.1. The table below shows the **net** budgets and outturns for the County Council's three residential respite homes. This includes capital purchases:

| Residential respite home | 2016/17 Budget | 2016/17 Outturn | Variance | 2017/18 Budget |
|---|---|---|---|---|
| Firvale: | 668,000 | 629,865 | (38,135) | 675,000 |
| Sunbeams: | 459,000 | 453,808 | (5,192) | 466,000 |
| Merrydale: | 628,000 | 794,631 | 166,631 | 645,000 |

If, following public consultation, the decision is taken to close the two homes, it is estimated that £452,000 would be saved. These estimated savings have been calculated taking into account the saving that would be made if Merrydale and Sunbeams were to close and the additional costs associated with increasing capacity both at Firvale and purchased respite with external providers.

11.2. However, in reviewing how the County Council provides overnight respite, Children's Services is developing a new offer, which is designed to give greater choice to current and future users of in-house residential respite. Should the homes close, the 47 children and young people currently receiving services at Merrydale and Sunbeams would receive an equivalent offer to meet need – there would be no reduction in services from the County Council.

## 12. Legal implications

12.1. Local authorities have a duty under the Equality Act 2010 section 149 to have due regard to the need to: eliminate discrimination, harassment and victimisation; to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2. The Breaks for Carers of Disabled Children Regulations 2011 place a duty on local authorities to provide a range of services for disabled children and their families which includes "overnight care in the homes of disabled children or elsewhere." These overnight breaks can be provided to children under Section 17 or Section 20 of the Children Act 1989.

## 13. Recommendation(s)

13.1. That the Executive Lead Member for Children's Services:

- Gives approval to go out to public consultation on the proposal to close two residential respite homes for children with disabilities: Merrydale in Kings Worthy, Winchester and Sunbeams in Aldershot, with a further report setting out the findings of the consultation to be brought by the end of the year.

## CORPORATE OR LEGAL INFORMATION:

### Links to the Corporate Strategy

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|---|---|
| **Hampshire safer and more secure for all:** | No |
| **Maximising well-being:** | **Yes** |
| **Enhancing our quality of place:** | No |

### Other Significant Links

| **Links to previous Member decisions:** | | |
|---|---|---|
| Title | Reference | Date |
| **Executive Member for Children's Services** | | |
| Respite for Disabled Children Grant Awards for 2014-15 | 5195 | 22 January 2014 |
| Respite statement: Service Statement review 2014-15 | 5580 | 26 March 2014 |
| Children with Disabilities Public Consultation | 5933 | 25 July 2014 |
| Revenue Budget report for Children's Services for 2015/16 | 6286 | 21 January 2015 |
| Respite Grants Allocation for 2015/16 | 6447 | 23 March 2015 |
| Transformation to 2017 - Revenue Savings Proposals | 6889 | 16 September 2015 |
| Revenue budget report for Children's Services for 2016/17 | 7131 | 20 January 2016 |
| Respite for Disabled Children Grants for 2016-17 | 7216 | 18 March 2016 |
| Revenue budget report for Children's Services for 2017/18 | 8019 | 18 January 2017 |
| **Cabinet** | | |
| Cabinet: Revenue Budget and Precept 2015/16 | 6373 | 6 February 2015 |
| Transformation to 2017: Consultation Outcomes | 6942 | 21 September 2015 |
| Medium Term Financial Strategy Update and Transformation to 2017 Savings Proposals | 6920 | 5 October 2015 |
| **Children and Young People's Select Committee** (ref: Respite Task and Finish Group) | | |
| Respite Task & Finish Group report | 6003 | 23 July 2014 |

| | | |
|---|---|---|
| Consideration of Request to Exercise Call-in Powers | 6083 | 12 September 2014 |

| **Direct links to specific legislation or Government Directives** | |
|---|---|
| Title | Date |
| Children Act | 1989 |
| Local Government Act | 1999 |
| Equality Act | 2010 |
| Respite: Statutory guidance on how to safeguard and promote the welfare of disabled children using respite | 2010 |
| The Breaks for Carers of Disabled Children Regulations | 2011 |
| Children and Families Act | 2014 |
| Best Value Statutory Guidance (revised and updated) | 2015 |

**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 | |

## IMPACT ASSESSMENTS:

### 1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

1.2. The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;

1.3. Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;

1.4. Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionally low.

1.5. An Equality Impact Assessment has been completed. A summary statement is available at section 9 of this report. The full assessment is available at: www.hants.gov.uk/childrens-services/about-cs/cs-equality-diversity.htm.

### 2. Impact on Crime and Disorder:

2.1. There are not considered to be impacts on crime and disorder.

### 3. Climate Change:

3.1. There are not considered to be impacts on climate change.

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