

WANDSWORTH BOROUGH COUNCIL

EDUCATION AND CHILDREN'S SERVICES OVERVIEW AND SCRUTINY
COMMITTEE – 20TH JUNE 2012

EXECUTIVE – 5TH JULY 2012

Report by the Director of Children's Services On Proposed Changes To
Arrangements For Charging For Short Break Services To Children With
Disabilities Provided Via The Disabled Children's Team

SUMMARY

Background

The Council has a duty to provide short breaks services in order to support families with disabled children in having breaks from caring and thereby to sustain their caring role long term, even where children / young people have a range of complex needs. The Council has charged for short breaks services for disabled children since 1998, prior to which this group of children had an automatic exemption from charges (Paper No 98-804). However the current approach raises concerns about transparency and equitability which the following proposals seek to address.

Policy

Under section 17 of the Children's Act (1989) the Council has a duty to provide a short breaks service for families of disabled children in order to give them a break from caring. The new Short Breaks Duty requires the Council to provide, as appropriate, a range of day time and overnight care in the homes of the disabled child or elsewhere, educational or leisure activities for disabled children outside their homes, and services to assist carers in the evenings, at weekends and during school holidays. The Council has the power to charge for services under the Children Act 1989. However the Council has also set out its intention to reduce bureaucracy and increase transparency (in relation to decision making, performance and cost) as part of the Wandsworth Challenge (Paper No 10-959) and the proposals in this paper are in line with that policy.

Summary contd.

Proposal

The Executive are asked to agree the proposals to revise the method of charging families for the provision of short break services for children with disabilities, from a means tested assessment for charging, to a system of charging at the point of delivery similar to those paid by the families of non-disabled children for after school / school holiday childcare.

Comments by the Director of Finance:

The proposals in this paper are expected to be cost neutral to the Council and will be met from within existing budgets if approved. The Council's charging policy is to maximise charges for specific services so as to minimise any indirect subsidy from the council tax payer, seeking wherever possible to recover the cost of the service provision as a minimum.

Conclusion:

The current approach to charging for short breaks services for children and young people with disabilities has a number of anomalies and is not considered equitable or transparent by the families who use the system. The proposals in this paper recommend a more equitable approach to charging which should reduce conflict and bureaucracy.

GLOSSARY

DCT	Disabled Children's Team
ECSOSC Committee	Education and Children's Services Overview and Scrutiny
EIA	Equalities Impact Assessment
LAPG	Lady Allen Playground
SEN	Special Educational Needs

RECOMMENDATIONS

1. The Education and Children's Services Overview and Scrutiny Committee are asked to support the recommendations set out in paragraph 3 below.
2. If the Overview and Scrutiny Committee approve any views, comments or additional recommendations on this report, these will be submitted to the Executive for consideration.

3. The Executive are recommended to approve a revision to the method of charging families for the provision of short break services for children with disabilities, from a means tested assessment for charging, to a system of charging at the point of delivery similar to those paid by the families of non-disabled children for after school / school holiday childcare.

BACKGROUND TO PROPOSALS

4. Under section 17 of the Children's Act (1989) the Council has a duty to provide a short breaks service for families of disabled children in order to give them a break from caring. This service is instrumental in preventing family breakdown in families with disabled children and therefore avoiding the need for high cost alternative placements.
5. Short breaks services come in a number of different forms. The main services are:
 - (a) Overnight short breaks, holiday provision and after-school care at Oakdene Residential Unit, or at some special schools;
 - (b) Specialist day care or after-school provision at Lady Allen Playground (LAPG) or George Shearing Youth Centre;
 - (c) Specialist holiday schemes or additional support to attend a mainstream scheme run by Play Services;
 - (d) Wandsworth Family Link (short breaks foster care);
 - (e) Personal assistant support in the home; and
 - (f) Direct payments for the family to organise their own care.
6. Wherever possible the Council aims to provide these services without the need for additional assessment, and the majority are available through self referral or via a child's school. In these cases the provision makes a small local charge, in the same way universal services such as after school clubs do, of between £1 and £3.50 per session for LAPG and George Shearing, and £6 per day for special school holiday schemes.
7. For a small number of families, whose children have the most complex range of needs, services are assessed via the Disabled Children's Team (DCT). Overnight provision at Oakdene, direct payments and personal assistant hours can only be accessed via the DCT. For children who need additional support to attend LAPG or George Shearing this too can only be accessed via the DCT. A means tested system of charging is applied to families accessing services via the DCT.

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8. The total budget for these services was £1,594,000 in 2011/12. 168 families received services via the DCT. Of these, 16 were assessed as eligible to pay a charge. In 2010/11 the total income received was £10,688. This income is expected to reduce to £3,354 based on projections of next year's charging owing to a number of young people turning age 16 and their parents no longer being eligible for charging. In future years it could increase again, however the Service is currently not aware of any new cases.

PROBLEMS WITH THE EXISTING CHARGING SYSTEM

9. The existing system throws up a number of anomalies which are viewed as unfair. Families do not have to pay for additional overnight stays for children attending Bradstow or Linden Lodge whereas similar overnight stays in Oakdene *are* charged for. Charges apply to children from 0-15 but not to 16-18 year olds (under S29 of the Children's Act parents cannot be charged for services for young people aged 16-18 – the young person might be assessed for charges, but as these young people continue in education and have no income they would be exempt). Where services are provided jointly with Health, the Social Care element may be charged for whereas the Health and Education elements are free.
10. Even more anomalous is the situation with LAPG and George Shearing, where a substantial additional charge is made for those children who are unable to access the service without additional help, typically in the form of an additional helper. An Initial Equalities Impact Assessment (EIA) has been undertaken (attached as Appendix 1) and although this has not been tested in the courts, this approach may be deemed to be discriminatory.
11. There is evidence that some children and families, who would certainly benefit from services, are not taking these up because of the cost. Although clearly this is a matter of individual choice, it does make family breakdown more likely. Feedback from parents is that they find the charging policy complicated and discriminatory. It can increase levels of distrust and hostility between the Council and families with disabled children.
12. Very few councils charge families for Short Breaks services (Merton is the only other local example). The only other group who are liable to such means tested charges are the parents of Looked After Children.
13. The means tested system is time consuming to administer and yields only a small amount of money. The 168 families accessing services through the DCT either need to provide evidence of exemption from charging or be individually assessed by finance staff. The exemptions / assessments need to be reviewed annually and, where necessary, charges recalculated. To

carry out this exercise to generate such a low level of income is not cost effective.

14. Service users are assessed for charging when they reach adulthood, however, this is based on the service users' own income including Disability Living Allowance (DLA). Disability related living expenses are offset as part of the financial assessment and therefore, although most service users might contribute, the rates of weekly charge are often much lower than the charges currently levied from parents of disabled children accessing services through the Children's Services Department.

PRINCIPLES:

15. A number of principles are being proposed to underpin an alternative approach:
 - (a) It is reasonable that families accessing short breaks provision should pay a small charge in the same way families of children without disabilities would be expected to pay for their child's out of school activities and clubs. Most organisations providing short breaks levy a small charge, not least to encourage families to make use of a service once it has been agreed;
 - (b) It is not feasible to standardise these charges since a range of providers are involved and the activities offered vary, but it is proposed to agree a consistent charging policy with special schools and similar services;
 - (c) Families with children with a greater level of disability should not be expected to pay more to access the same provision solely because their child needs more help to do so; and
 - (d) Within the charging policy there must remain flexibility for the Council or local providers, to remit charges to take into account the particular needs of the child or family.

PROPOSALS:

16. The new approach would work in the following ways:
 - (a) Means testing assessments for charging would cease;
 - (b) Charging for families previously assessed as eligible will cease. This is likely to cost the Council £3,354 in the year 2012/13 according to current predictions;

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- (c) Overnight short breaks at Oakdene, personal assistant support in the home, or direct payments will be offered at nil cost in line with Health and SEN Services;
 - (d) All children attending George Shearing will pay the standard charge, regardless of whether they require additional support. This will result in three families having to pay less; and
 - (e) All children attending LAPG will pay the standard charge, regardless of whether they require additional support. This will result in changes to the families of the 34 children who require additional support. Those who were assessed as eligible for charging will no longer have to pay the means tested charge. The families will save a total of £1,253. However, there will be a group of families who were previously assessed as exempt from means tested charging, who will now have to pay the standard charge. In this, they will be treated no differently from all the other children attending Lady Allen however it may be considered an increase in charges as they will be paying for something that was previously free.
17. Clearly the increase in the charges for a few families (28 according to the current estimate) with children attending LAPG risks alienating some families and may attract some adverse publicity. It is suggested that this is mitigated by managers and the family social worker applying appropriate discretion in applying the new charges for existing users.

FINANCIAL IMPLICATIONS

18. Ceasing central charging will result in loss of income to the Council. For 2011/12 this would have been £10,688, for 2012/13 this is likely to be less – current predictions are that the loss will be £3,354. The budgeted income for charging for services to disabled children is £31,046 in 2012/13, but this level of income has never been achieved.
19. The loss in income can be contained within the children's services existing budget. It is expected that the loss in income will be more than compensated for over time because of changes that will flow from the new policy. These include:
- (a) a potential saving of £6,000 to the DCT budget for additional support at George Shearing. Instead of providing an agency worker to each individual young person to enable them to access the facilities, the centre will employ and train an additional worker who could be linked to a number of young people. This will reduce the costs to the Council;

- (b) a potential saving of up to £3,000 over time in relation to costs at LAPG, as a result of making local charges to families who are not currently paying; and
- (c) a potential saving of around £4,500 in the Aiming High short breaks budget as a result of introducing consistent local charges in special school summer schemes, and play services specialist short breaks provision, reducing the cost of running these schemes.

STAFFING IMPLICATIONS

- 20. The CSS Finance Team have to check exemptions for all families (168) and undertake assessments for those who are not exempt (16). By ending the means tested assessments, it is hoped that this will free up some capacity within the Children's Specialist Services Finance team. However it is not possible to quantify this. The team has recently lost two staff members and the team is taking on additional new work in relation to SEN placements. Activity around the existing charging policy also impacts on the work of the social workers in the DCT. If the existing charging policy were to be discontinued, there may be some further capacity within the team to take additional work, however, again here; it is not yet possible to quantify this.

EQUALITIES IMPACT ASSESSMENT

- 21. The Equality Act 2010 requires that the Council when exercising its functions must have "due regard" to the need to eliminate discrimination, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 22. As mentioned above an Initial EIA has been undertaken ([Appendix 1](#)). The findings are that the proposed service change would lead to a more equitable approach to charging for services and would not disadvantage families of children / young people with more significant levels of disability as is the case currently for those children / young people using LAPG and George Shearing Youth Club. Continuing to apply a local charge does prepare families for the kind of charges which might be applied should young people require services as adults.
- 23. All parents affected by the possible changes are being contacted so that their views can be sought. This will provide them with an opportunity to follow up any concerns in relation to local charges by contacting their social worker. It is proposed to introduce the changes from September 2012 and steps to minimise the impact for any affected families will be discussed with the relevant social workers.

COMMENTS OF THE DIRECTOR OF FINANCE

24. The proposals in this paper are expected to be cost neutral to the Council and will be met from within existing budgets if approved. The Council's charging policy is to maximise charges for specific services so as to minimise any indirect subsidy from the council tax payer, seeking wherever possible to recover the cost of the service provision as a minimum.

CONCLUSION

25. The current approach to charging for short breaks services for children and young people with disabilities has a number of anomalies. It is not considered equitable and families comment that there is a lack of transparency to the system. Conflict in relation to charging can reduce take up of services but the result can be that more costly services are required by families in the long term, because they reach breaking point in trying to manage their children's needs. The proposals in this paper recommend a more equitable approach to charging which should reduce conflict and bureaucracy.

PAUL ROBINSON
DIRECTOR OF CHILDREN'S SERVICES

The Town Hall
Wandsworth
SW18 2PU

12th June 2012

Background papers

There are no background papers to this report.

All reports to Overview and Scrutiny Committees, regulatory and other committees, the Executive and the full Council can be viewed on the Council's website (www.wandsworth.gov.uk/moderngov) unless the report was published before May 2001, in which case the Committee Secretary (Rachel Williamson – 020 8871 7857; email rwilliamson@wandsworth.gov.uk) can supply it if required.

APPENDIX 1**Initial Equality Impact Assessment – Service Change**

The initial equality impact assessment is a quick and easy screening process. It will help you to identify those changes to services which require a full EIA by looking at:

- negative, positive or no impact on any of the equality groups
- opportunity to promote equality for the equality groups

Any questions at anytime please call Clare O'Connor on ext 7816.

Department	Children's Services
Service	Special Needs and Children with Disabilities
People involved	Carol Payne, Gillian Bennell

1. What are the aims of the service and what changes are being proposed?

- The Council has a statutory duty to provide a range of short breaks for children and young people with special needs / disabilities. The Council must have regard to the needs of carers who would be unable to continue to provide care unless a break from caring were given to them. It must also have regard to the needs of those carers who would be able to provide care more effectively if breaks allowed them to undertake education, training or any regular leisure activity, meet the needs of other children in the family, or carry out day to day tasks in order to run their household.
- The change being proposed is that the current process of central charging for some short breaks services should cease and there should be local charges, which are more in line with the kinds of charges any families might pay for leisure activities for their children / young people
- The loss in income can be contained within the children's services existing budget. It is expected that the loss in income will be more than compensated for over time because of changes that will flow from the new policy. These include:
 - a saving of £6,000 to the DCT budget for additional support at George Shearing. Instead of providing an agency worker to each individual young person to enable them to access the facilities, the centre will employ and train an additional worker who could be linked to a number of young people. This will reduce the costs to the council.
 - a saving of up to £3,000 over time in relation to costs at Lady Allen Playground, as a result of making local charges to families who are not currently paying; and
 - a saving of around £4,500 in the Aiming High short breaks budget as a result of introducing consistent local charges in special school summer

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schemes, and play services specialist short breaks provision, reducing the cost of running these schemes.	
2. What is the rationale behind these changes?	
<ul style="list-style-type: none"> • To achieve greater equity for service users • To reduce bureaucracy both for families and for the council 	
3. What information do you have on the service and the potential impact of your service change in relation to the following?	
	<p>List information you have. Do not put what the information shows you</p> <p>Information includes number of people using the service, customer satisfaction, feedback on service, results of consultation</p>
Race	<p>Some analysis has been undertaken of the families accessing Lady Allen Playground. In the group of families being charged for additional support 44% are white British, of the remaining 56% from Black and Minority Ethnic groups the numbers in the different groups are very small (1-3 children) and therefore it would not be possible to draw significant conclusions from this.</p> <p>The group of children accessing additional support who are exempt from charging follows the same pattern</p>
Gender	<p>As is common in the population of children with disabilities many more boys are affected than girls and this is reflected in the service user groups.</p>
Disability	<p>Currently 168 families access services through the DCT, some will be making use of more than one service</p> <p>Lady Allen Playground / George Shearing: At present families with children / young people with more significant needs are charged for the provision of additional support in order to access the provision. Children who do not need additional support just pay the local charge. This practice appears to discriminate against those with higher levels of need. 120 families access this service</p> <p>Oakdene / Domiciliary Support / Direct Payments / Wandsworth Family Link Families are accessing these services on account of their children's disabilities. Higher levels of service are provided where there are higher levels of need. Children requiring this kind of support are likely to be those who cannot easily participate in the kinds of leisure activities that most families access and which would enable parents to have some free time at a</p>

	much lower cost (e.g. child going on a sleepover with a friend / child attending a weekly club) 110 families access this service	
Age	Families of young people aged 16 and 17 are not assessed for central charges.	
Faith	These areas are not monitored in relation to short breaks services	
Sexual Orientation		
4. Thinking about each group below please list the impact that the service change will have.		
	<u>Positive</u> impacts of service change	Possible <u>negative</u> impacts of service change
Race	Proposed service change is not expected to have a significant impact in this area although given the gender split within this group both the positive and negative impact of the proposals will affect more boys than girls	
Gender		
Disability	Families with children with more severe or complex needs will no longer be charged at a higher level to access a service such as Lady Allen Playground / George Shearing Youth Club on account of needing additional support; they would just pay the local charge levied from most families. This will address the inequality in the current policy. Some families which have not taken up services because they could not afford the central charges or where the bureaucracy of the eligibility process proved to be a barrier may now take up services, improving the families' ability to cope and reducing the need for long term residential arrangements in some cases. Overnight short breaks at Oakdene, personal assistant support in the home, or direct payments will be offered at	Some families who have not been paying the local charge because they were being assessed for the central charge, in the end were exempt from the central charge because they were on benefits and will now have to meet the local charge of £2.50 per session. This would affect in the region of 28 families.

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	<p>nil cost in line with Health and SEN Services</p> <p>Feedback from parents is that they find the charging policy complicated and discriminatory. It can increase levels of distrust and hostility between the Council and families with disabled children. Removing the complexity of the policy will address these concerns.</p>	
Age	This is a service for young people and therefore any changes (both positive and negative) will affect children aged under 16. Proposed service change is not expected to have a significant impact in this area	
Faith		
Sexual orientation		
<p>5. Is a full EIA required? Yes/No</p> <p>The following questions should help you decide if a full EIA is required. As a guide if you are a frontline service where the impact is unclear or negative you will need to conduct a full EIA. You are unsure call Clear O'Connor on ext 7816</p> <ul style="list-style-type: none">• Is the service a frontline service? Yes• Is it clear what impact the service change will have on all the equality groups? Yes• Overall will the change have a negative impact on any of the equality groups? No		
<p>Comments - Please give the rationale here for not undertaking a full EIA</p> <p>The changes will only affect a very small number of families within the group of 168 children accessing these services. Some will gain financially, a slightly larger number will lose out, although they will be paying at the same level as all other families accessing the service. All these families will benefit from the greater clarity about the revised system and there will be a saving in time for both the families and the department given that the financial assessments will no longer be undertaken. Overall, the information available indicates that the proposed service change will have a positive impact on families of children / young people with disabilities who will be able to access services without the need for a detailed financial assessment.</p>		
<p>6. Through the initial EIA have you identified any actions that needed to be implemented to improve access to the service or monitoring of the service? (please list)</p> <p>All parents who will now pay a small charge for accessing services are being contacted and their views sought. If they have concerns they are being invited to contact their social workers who will work with them on how to adjust to this change. For the families who will end up paying more and who are unable to afford it, it may be necessary to provide some transitional financial assistance. The</p>		

numbers are small enough for this to be assessed on a case by case basis. Three families have responded to the consultation and a summary of their views is attached as an appendix to the EIA. A full copy of the consultation letter and responses have been placed in the Members' Room for reference.

Signed Carol Payne

Date 16th May 2012

Approved by:
(all initial EIAs to be approved by Clare O'Connor)

Summary of views received in relation to the proposed changes to charging arrangements

Families of children receiving additional support to attend Lady Allen who were assessed for charging were asked for their views on the proposals. They were also asked if they wished to be contacted by their social workers to discuss the proposals. Copies of the consultation letter and responses have been placed in the Members' Room for information.

Three responses have been received to the consultation, two supportive of the proposals and one opposed.

One parent supporting the proposal made no additional comment. The other parent noted that the current charging system had made it unaffordable for the family to access term-time respite care at Lady Allen. This had placed undue and avoidable pressure on family life and the family viewed this as a failure of the duty of care to which they were entitled.

The parent opposing the proposal felt that families on low incomes were being penalised. S/he agreed with the £3.50 being charged for ordinary children but if a family had a special needs child and were on certain benefits they should not have to pay for the service.

Comment

Lady Allen Playground, although it does offer some inclusive sessions, is mainly intended for use by children with disabilities. The changes proposed here are to equalise the charges paid by all families of children with disabilities and not charge families of children with greater needs a different rate. However, as the new system is introduced social workers in the Disabled Children's Team will work with families and Lady Allen to ensure that appropriate discretion is used when implementing the new policy. Families have been invited to contact their social worker if they wish to discuss the changes. Only one family (who have supported the change) has requested this contact to date. The offer will be repeated when notifying families of any changes if the proposals are agreed.