



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**11 April 2024**

**Report of the Executive Director of Children's Services**

**Repurposing of Services at The Getaway and The Outback**

**1. Divisions Affected**

Derbyshire Residential and Outreach Service for Children with a disability.

**2. Key Decision**

- 2.1 This is a key decision because if the proposed changes are approved it is likely to result in savings of £500k or more and it will be significant in terms of its effects on communities living in two or more electoral divisions. We are seeking cabinet approval to repurpose Services for children with a disability at The Getaway and The Outback.

**3. Purpose**

- 3.1 The proposal is to remodel The Getaway and The Outback services to reduce external placement expenditure for children with complex disabilities from April 2024 onwards. This is an alternative plan to closure of these two services for children with disabilities previously proposed to impact on the Council's critical financial position.
- 3.2 To inform cabinet of the outcome of a recent two-week consultation in respect of the proposal to remodel.
- 3.3 To provide the accompanying Equalities Impact Analysis on the impacts on these proposals.

- 3.2 This would require converting The Getaway from a short break children's home to a longer-term home for Derbyshire children providing full time care for 3 children aged between 7-17 years.
- 3.3 The remodelling of the Outback would ensure cost avoidance through the prevention of children coming into full-time care.

#### **4. Information and Analysis**

- 4.1 Both the Getaway and the Outback are highly valued, well-established services which provide critical support to vulnerable children with a disability. Many Local Authorities rely on commissioned services from the private sector to meet the needs of this cohort of children, however Derbyshire County Council has chosen to provide the services internally for many years.

Considering the critical financial position of the Council the initial indicator was that closure of these services was an opportunity to achieve substantial savings, notwithstanding the high level of need that exists for children with a disability. However detailed interrogation of other options has enabled a different and more palatable plan to be proposed to repurpose these services to impact on the current financial crisis and enable the preservation of the services for children who need them. In addition, the alternative enables the retention of a highly skilled compassionate workforce and avoidance of additional redundancy costs through the loss of the Derbyshire employees.

The Getaway is an OUTSTANDING Ofsted rated home, which has been providing excellent care for children with disabilities for nearly 15 years.

- 4.2 It currently provides overnight short breaks for 19 families, depending on the needs of the child. The provision has capacity for up to 25 children dependent on the individual service levels and provides up to 4 overnight short break beds, six nights of the week, the number of young people on each night is determined by placement matching.
- 4.3 The proposal is to use The Getaway as a residential home for full time care for 3 children aged between 7-17 years. One bed will continue to be available for short breaks for children who are at high risk of full time admission and require a high level of care to meet their complex needs. No capital costs will be incurred in respect of the building for the implementation of the proposal, it is already classified as a 'children's home,' and adaptations necessary to care for children with disabilities are already installed and available in the building.
- 4.4 The needs of the children receiving overnight short breaks currently, are being re-evaluated by the Children with Disabilities Social Work Service. Any unmet need identified by the assessment will be met by alternative services, from their existing personal budgets. Those who are determined to still need overnight short breaks, akin to those provided by The Getaway will be assessed for placements at the council's other internal provision for children with disabilities, The Willow, and Spire Lodge. Some additional capacity is being sought at the

Willows to further mitigate against the proposal outlined. In addition to alternative service types already available, the Outback will also be able to provide support to some of this cohort if plans to remodel the Outback also take place. Looked after children with disabilities are some of Derbyshire's most vulnerable children and bringing them back to in-house provision will strengthen the level of oversight and safeguards. This will also further protect the Council from significant reputation risk, if there are significant concerns relating to use of an external provider.

- 4.5 The Outback is a CQC registered service for children with disabilities within Derbyshire which provides outreach support to children and families to prevent children coming into care.
- 4.6 Currently the Outback offers focused services using a model that reflects the principles of the holistic Stronger Families model which is evidenced based practice and includes Positive Plan, PACE and Nurture. The work is delivered in a variety of ways, dependent on what service is needed or being requested, which could be to support children subject to child protection plans, care proceedings and children in need. Work will include the whole family, including siblings. In addition, the Outback provides support to children and families, including 1:1 support, inclusion, domiciliary, parenting assessment and supervised family time.
- 4.7 Currently the service is working with 16 families with multiple children in each family, providing varying levels of input and intensity depending on the needs of the children and families. In 2023, The Outback worked with a total of 50 families. Under the new proposal, The Outback would be working in a much more targeted way, focusing on children with disabilities who are on the edge of care, and therefore it is possible that the total number of families worked with would be fewer, however, the impact on those offered support, increased.
- 4.8 The aim of the proposed changes to the Outback is to provide targeted holistic support for children and families on the edge of care to prevent them from requiring costly external residential placement; support those children in care to return to the care of their families, thus, not only reducing the number of Derbyshire's children in care but also avoiding the cost of placing children in costly external provision. The service will continue to provide the same level of intense support over a sustained period to prevent children from coming into local authority care.
- 4.9 The proposal would enable the service to remain involved with those families whose children are on the edge of care to prevent family breakdown and those whose reunification journeys to their families are underway. Of the 16 families currently open to the service, six families are being supported to prevent family breakdown and those children from coming into care. The total estimated cost of these six children coming into local authority care, due to family breakdown

is £2,184,029. The service is therefore avoiding this expenditure on an annual basis by providing support to families so that the children can remain in the care of their families.

- 4.91 The services that will not be offered under the new proposal are the completion of parenting assessments, family time and some individual support to children in need and are not in any formal safeguarding process. These services will be provided by, in the main the Children with Disabilities Social Work Service, which has explored alternative operational models to accommodate the provision of these services.
- 4.92 Other services the provision currently provides, such as 1:1 support to children and young people can alternatively be provided through direct payment to families who can purchase services from within the community, for example personal assistance to provide support by the hour. Parents are provided with leaflets with information of local services that can be purchased, for example agencies that provide Personal Assistants. This cost to the council will be mitigated against by the larger cost that would be avoided through supporting families at risk of breakdown, to stay together to care of their children with disabilities at home, thus avoiding them coming into care.
- 4.93 The implementation the proposal will not require changes to the building as in essence it will continue to provide the same support services to a targeted cohort of service users.

The current staffing compliment for the service is:

- Full-Time Manager – Grade 12
  - 1 Full-Time Deputy Manager – Grade 10
  - 9 RCW posts, Grade 9 (6 FTE). (1 x 26.5hr RCW established post is currently backfilled behind long term sickness until 31<sup>st</sup> May 2024)
  - 2 full time – Health posts
  - 4 Family Support Assistant posts, Grade 5 (2.38 FTE) providing domiciliary support in the home (1 x 16hr FSA post is currently vacant and frozen)
  - BSA x 1 (part time)
- 4.94 There will an implementation plan following a decision from Cabinet. This will outline what will happened for the existing children and young people accessing short break provision at the Getaway. There has been some initial discission with Ofsted around potential change of registration and statement of purpose which is a necessary regulatory step to make the change in the service. Ofsted have stated that this can be done almost immediately, when the Council makes a firm decision on the direction of the Getaway. As stated earlier in the report, there will be a full consultation

of the local short break offer in April 2023 and work is currently underway in preparation for this.

## **5. Budget Saving Planned**

- 5.1 The total budget saving proposal was to reduce budgets by £1.898m over a 2-year period, £1.288m in 24/25 and a further £0.610m in 25/26. This was to be achieved by reviewing the way short break services are provided and how the Getaway and Outback are used.
- 5.2 The plan set out below shows how the plan to achieve these budget savings will be progressed by bringing 3 children from expensive external provision into better value DCC internal provision at the Getaway.
- 5.3 Whether these children are placed internally or externally, there would be placement related cost attached to these children, most likely through to their 18<sup>th</sup> birthdays due to their enduring lifelong complex needs.
- 5.4 We have provisionally identified 3 Children (who are currently placed in external homes) with a view to looking after them at The Getaway. The current external placements of these 3 children identified cost a total of **£1.376m** per year. As a result, we will be able to reduce our placement spend by £1.376m (more than the required £1.288m in 24/25), and the cost of these external placements will end. This will allow us to maintain the current budget for the running of the Getaway but as a full-time residential home. There will be a year-on-year cost avoidance of the £1.376m which would increase in light of inflation and rising annual cost increases currently demonstrated in the private sector provisions.
- 5.5 The Getaway building is already equipped to provide full range of care for children with complex disabilities, including physical disabilities and therefore no further adaptations or structural alternations are required. Similarly, the staffing is already within the budget and adequately meet the requirements; no further cost will be incurred to implement the proposal.
- 5.6 In addition, during 24/25 we expect to make or work towards several further saving because of these moves and as a result of changes to the way the Outback functions (subject to necessary consultations). These additional saving may not be achieved until part way through 24/25 but we would expect them to result in full year budget savings from 1<sup>st</sup> April 25 onwards.
- 5.7 We expect savings will be achieved by The Getaway transporting these young people to and from education – totalling **£0.117m** per year which is currently spent by SEND transport.
- 5.8 We expect to make further savings by avoiding the need to pay an additional sleeping in allowance to staff at a cost of **£0.012m** per year, as waking night

assistants who are accounted for in the current staffing budget will be used instead, if the changes to offer permanent placements are made.

- 5.9 The repurposing of the Outback service would be to focus on children at immediate risk of admission into care. Realignment of current staffing and activities undertaken would provide an annual saving of **£0.153m**.
- 5.91 It is understood that this proposal to remodel the services at The Getaway and Outback do not provide the full £1.898m savings required as first outlined from the closure of the 2 services, detailed in previous budget reports to Cabinet at the start of 2024, a shortfall of £240k remains. Options are being explored to identify how this shortfall can be addressed, for example, the potential of establishing a fourth bed at The Getaway for a child in a high-cost external placement. The option of progressing the disestablishment or TUPE to 2 Health of posts is being explored, this is an historical arrangement which will realise approximately £83k savings against the £240k needed.

Please see Appendix 2 for details

## **6. Cost Avoidance**

- 6.1 The Outback provides specialist and targeted support to families with children with disabilities. They are currently working with several families, where without their support and input, there would be a significant risk of those children coming into formal care.
- 6.2 There is approximately £3.1 million in cost avoidance identified, which can be directly evidenced from the current cohort of children and families the team are working with, which demonstrates that the service is good value for money.

Please see Appendix 3 for details.

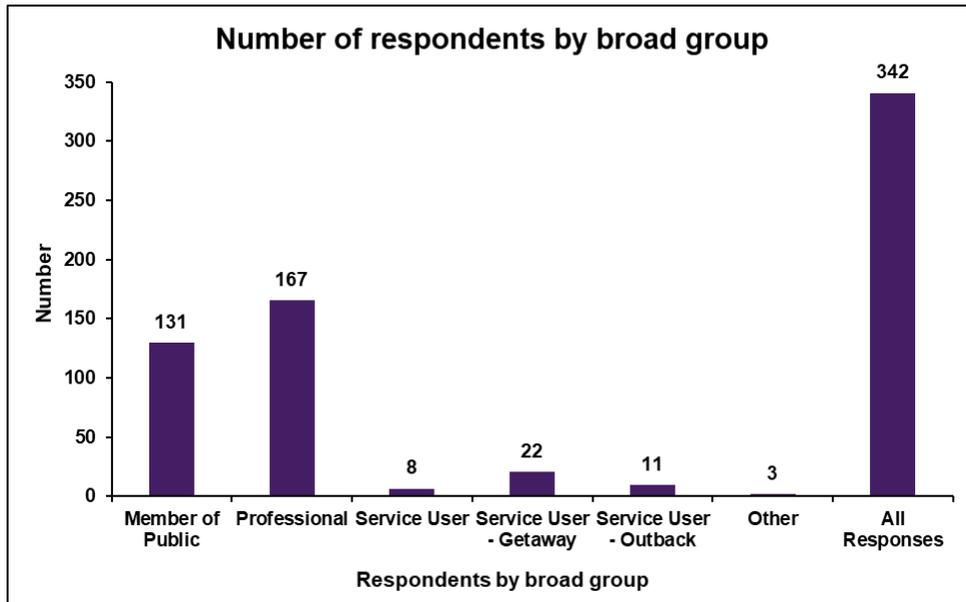
## **7. Consultation**

- 7.1 There has been a 2-week public consultation undertaken in respect of the proposed options being considered by the council. Views have been sought in respect of either disestablishing the Outback and Getaway or remodelling the provisions. This public consultation ended on the 24<sup>th</sup> of March 2024..

The Local Authority are required to review the local offer to children with a disability and this review will commence in April and involve a 12-week public consultation.

## 7.2 Outback outreach service and the Getaway short break service consultation

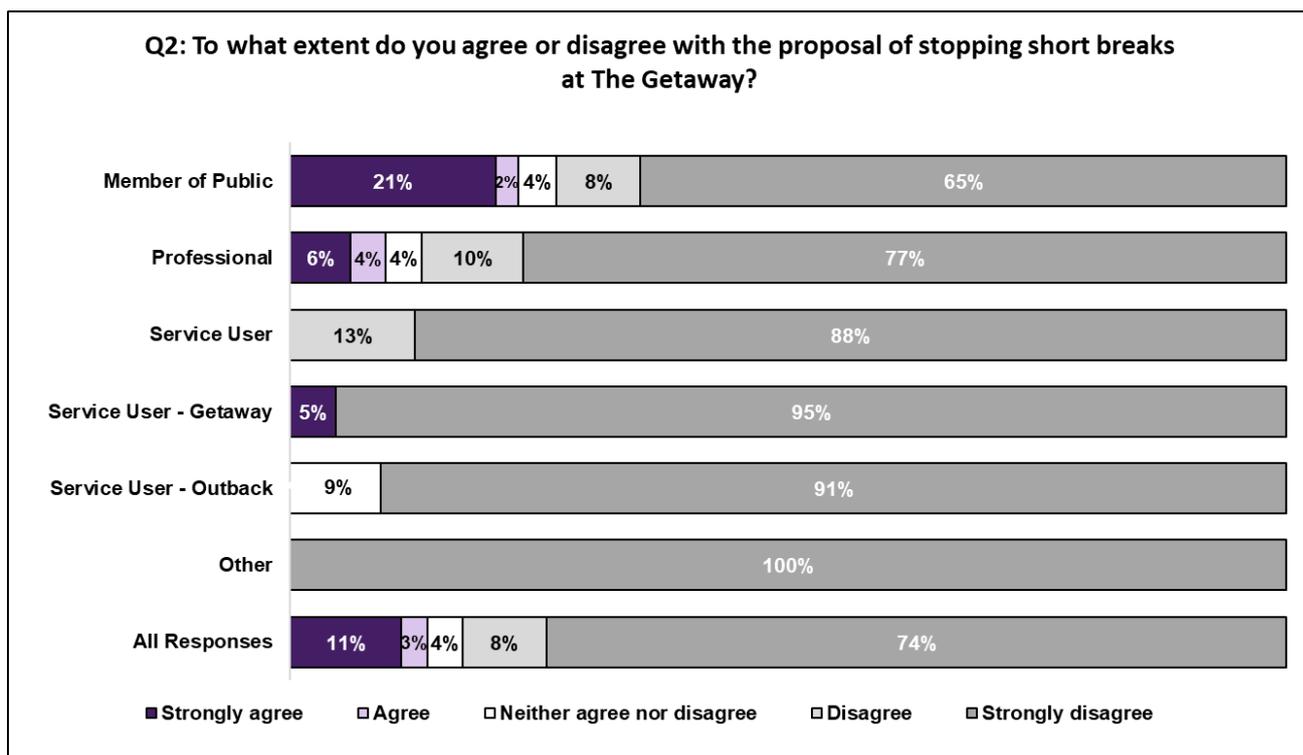
As of the 24<sup>th</sup> of March 2024, there were 342 responses to this consultation. Looking at respondents by broad group, the largest number of responses (167 – 49%) were from professional agency representatives. This was followed by members of the public; 131 responses (38%); and followed by 33 response (13%) for service users.



74% of respondents were female and 94% were White English, Welsh, Scottish, Northern Irish, or British. No ethnic minority group had more than 5 respondents. Further breakdown of responses can be found in the table above.

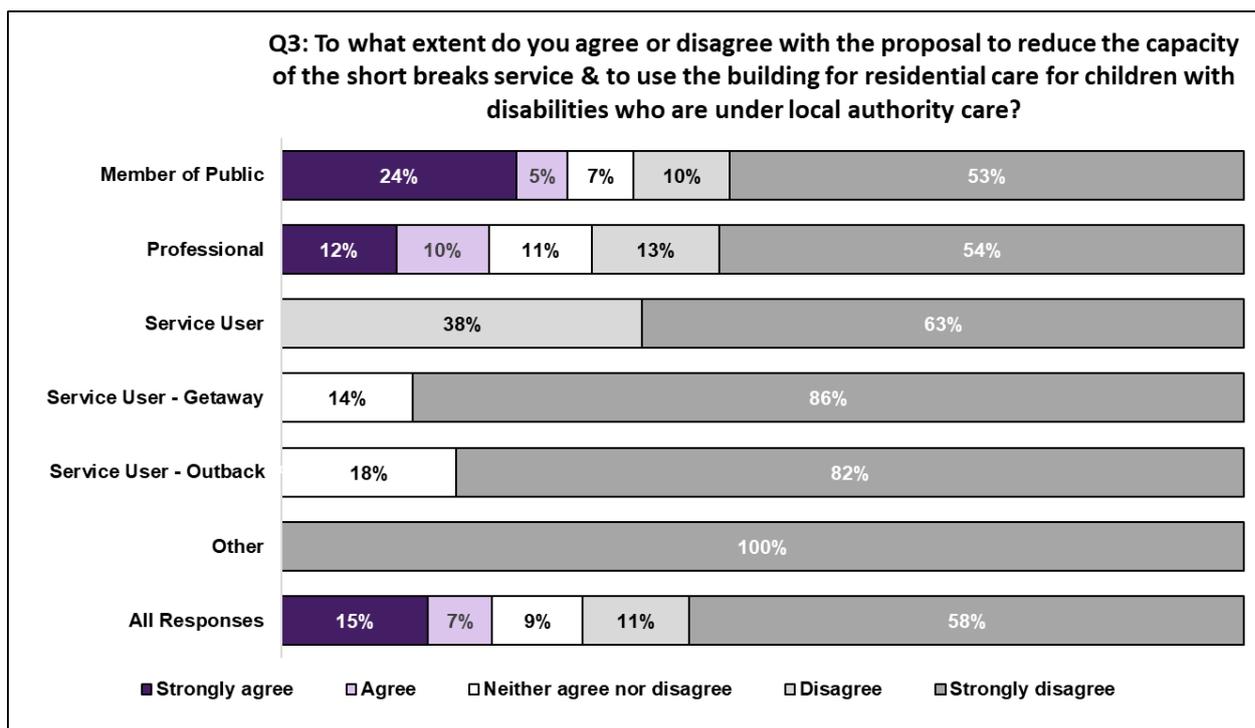
## 7.3 Q2: To what extent do you agree or disagree with the proposal of stopping short breaks at The Getaway?

Most respondents (74%) strongly disagreed with the proposal of stopping short breaks at the Getaway. Besides 'Other' (5 or less respondents), the proportion that strongly disagreed with the proposal ranged from a high of 95% for service users of the Getaway (21 out of 22 respondents), to a low of 65% for members of the public (85 out of 131 responses). Just 14% of all respondents had some level of agreement.



**7.4 Q3: To what extent do you agree or disagree with the proposal to reduce the capacity of the short breaks service and to use the building partially for residential care for children with disabilities who are under local authority care?**

Most respondents (58%) strongly disagreed with this proposal with a further 11% disagreeing. Less than a quarter of all respondents (22%) agreed or strongly agreed. Members of the public had the highest proportion in agreement (30%) followed by those in professional occupations (22%).



**7.5 Q4: Instead of offering short breaks at The Getaway, following an assessment of need, we may provide short breaks at other similar homes elsewhere in Derbyshire. Please let us know what you think about this proposal.**

There were 324 responses to this question. The top 15 issues/ themes by broad group are highlighted in Table 1 below.

- 7.6 In summary, the top theme for all respondents was scepticism whether the medium/long term intention of the changes would save money or disagreement with the proposal, featuring in a quarter of all comments. By broad group, this theme emerged in 71% of comments from members of the public compared to 23% of people in professional occupations.
- 7.7 Across all respondents, the second most predominant issue were concerns about the potential negative impact of changes on families and children’s well-being e.g., heightened risk of family breakdown. This theme was present in 24.1% of all responses and was the top issue for professionals; featuring in 31% of comments made.

**7.8 Table 1: Top 15 issues raised in proposals to provide short breaks at other similar homes elsewhere in Derbyshire. Top 5 highlighted in blue.**

Description	All Respondents		Public		Service Users/ Other		Professional	
	No	%	No	%	No	%	No	%
Importance of short breaks as a lifeline for families and children with disabilities	71	21.9%	71	61.2%	12	27.3%	34	20.7%
Concerns about the potential negative impact of changes on families and children's well-being, eg heightened risk of family breakdown	78	24.1%	78	67.2%	11	25.0%	51	31.1%
Need for short breaks to be provided locally to prevent travel burden and maintain family stability	65	20.1%	65	56.0%	7	15.9%	37	22.6%
Worries about lack of available alternatives and capacity in other similar homes	58	17.9%	58	50.0%	11	25.0%	37	22.6%
Importance of continuity and consistency in care provision for children with disabilities	26	8.0%	26	22.4%	<=5	<=11.4%	16	9.8%
Financial considerations and cost efficiency of service provision	8	2.5%	8	6.9%	0	0.0%	7	4.3%
Skepticism or disagreement with the proposed changes	82	25.3%	82	70.7%	13	29.5%	37	22.6%
Requirement for appropriate training and expertise of staff providing short break care	8	2.5%	8	6.9%	<=5	<=11.4%	<=5	<=3%
Concerns about potential disruption to children's routines and adaptation to new environments	34	10.5%	34	29.3%	6	13.6%	22	13.4%
Emphasis on safeguarding and protecting the interests of disabled children and their families	26	8.0%	26	22.4%	<=5	<=11.4%	17	10.4%
Addressing the shortage of short break services and residential placements - need more not less	29	9.0%	29	25.0%	0	0.0%	23	14.0%
Advocacy for maintaining or enhancing existing services to prevent family breakdown	38	11.7%	38	32.8%	<=5	<=11.4%	21	12.8%
Emotional attachment and trust built between families and Getaway staff	14	4.3%	14	12.1%	<=5	<=11.4%	8	4.9%
Qualified support for proposals provided properly organised and funded	28	8.6%	28	24.1%	<=5	<=11.4%	12	7.3%
Skepticism about whether in the medium/long run changes will save money	18	5.6%	18	15.5%	<=5	<=11.4%	12	7.3%
Exceptional care and support already being offered at the Getaway. Why change this.	31	9.6%	31	26.7%	<=5	<=11.4%	15	9.1%
Need to identify/ensure alternative provision and reassure families about quality of provision	22	6.8%	22	19.0%	<=5	<=11.4%	11	6.7%
Agree with proposals	15	4.6%	15	12.9%	<=5	<=11.4%	6	3.7%
Families will need help with travel	14	4.3%	14	12.1%	<=5	<=11.4%	9	5.5%
<b>Total</b>	<b>324</b>		<b>116</b>		<b>44</b>		<b>164</b>	

**NB: As respondents can raise more than one issue in their comments, percentages will exceed 100%**

**7.9 Q5: Please provide any additional comments or suggestions you have regarding the proposed changes to the short breaks service at The Getaway.**

There were 188 responses to this question. The top 15 issues/ themes by broad group are highlighted in Table 2 below.

**7.91 Table 2: Top 15 issues raised regarding changes to the short break service. Top 5 highlighted in blue.**

Issue or Theme	All Responses		Member of Public		Service Users/ Other		Professional	
	No	%	No	%	No	%	No	%
Opposition to proposals/Leave service as it is	59	31.4%	28	42.4%	15	50.0%	16	17.4%
Commitment to Service: Appreciation for the dedication of staff at the Getaway, emphasis on maintaining high-quality care and the overall importance of these services	57	30.3%	16	24.2%	11	36.7%	30	32.6%
Advocacy for Vulnerable Groups: Strong call to protect services for disabled children and their families.	47	25.0%	15	22.7%	9	30.0%	23	25.0%
Long-term Consequences: Concerns about potential long-term impacts of service reductions, including strain on families, heightened risks of crisis situations, and higher costs for local authorities.	46	24.5%	8	12.1%	7	23.3%	31	33.7%
Community Impact: Highlighting the local significance of services to families and children within the community.	44	23.4%	16	24.2%	7	23.3%	21	22.8%
Child-Centered Approach: Prioritizing the well-being of children over budget concerns.	37	19.7%	13	19.7%	<=5	<=16.7%	22	23.9%
Importance of short breaks in reducing number of family breakdowns	20	10.6%	<=5	<=7.6%	<=5	<=16.7%	14	15.2%
Alternative Solutions: Suggestions to explore alternative cost-saving measures, such as restructuring or seeking funding from other sources.	16	8.5%	<=5	<=7.6%	<=5	<=16.7%	9	9.8%
Quality of Care: Importance of maintaining high standards of care and skepticism about proposed changes affecting service quality.	15	8.0%	<=5	<=7.6%	<=5	<=16.7%	11	12.0%
Service Accessibility: Concerns about disruptions to service accessibility and availability of alternative provisions, particularly for families in crisis.	14	7.4%	<=5	<=7.6%	<=5	<=16.7%	6	6.5%
Need for more not less of these services	13	6.9%	<=5	<=7.6%	<=5	<=16.7%	9	9.8%
Make savings elsewhere, eg reduce numbers of senior managers, admin, etc	11	5.9%	6	9.1%	<=5	<=16.7%	<=5	<=5.4%
Qualified support for proposals provided properly organised and funded	8	4.3%	<=5	<=7.6%	<=5	<=16.7%	<=5	<=5.4%
Financial Considerations: Recognizing budget constraints and suggesting alternative funding sources or budget allocations.	7	3.7%	<=5	<=7.6%	<=5	<=16.7%	<=5	<=5.4%
Skepticism about whether proposals will save money	7	3.7%	0	0.0%	<=5	<=16.7%	6	6.5%
Transparency and Consultation: Frustration with perceived lack of transparency in decision-making processes/ call for greater consultation with stakeholders/ better survey design.	6	3.2%	<=5	<=7.6%	<=5	<=16.7%	<=5	<=5.4%
Skepticism about the viability of using private providers to offer quality care	6	3.2%	0	0.0%	0	0.0%	6	6.5%
<b>Total</b>	<b>188</b>		<b>66</b>		<b>30</b>		<b>92</b>	

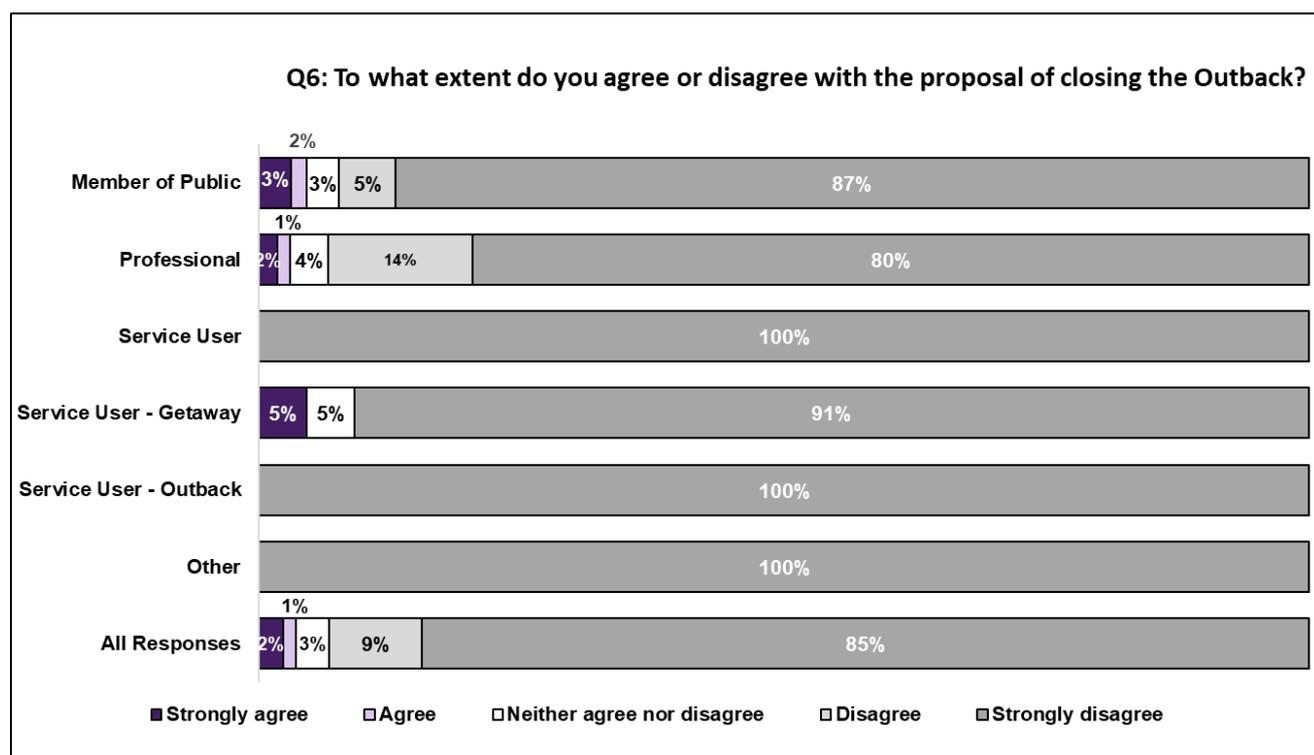
**NB: As respondents can raise more than one issue in their comments, percentages will exceed 100%**

7.92 Looking at all responses, the predominant theme regarding proposed changes to the short breaks service at The Getaway was opposition to the proposals and a desire to leave the service as it is (31% of responses). This was followed by comments around commitment to service; appreciation for the dedication of the staff at the Getaway, an emphasis on maintaining high-quality care and the overall importance of these services (30% of all responses).

7.93 For professionals, the predominant concern was about long-term consequences; concerns about potential long-term impacts of service reductions, including strain on families, heightened risks of crisis situations and higher costs for local authorities (34% of responses).

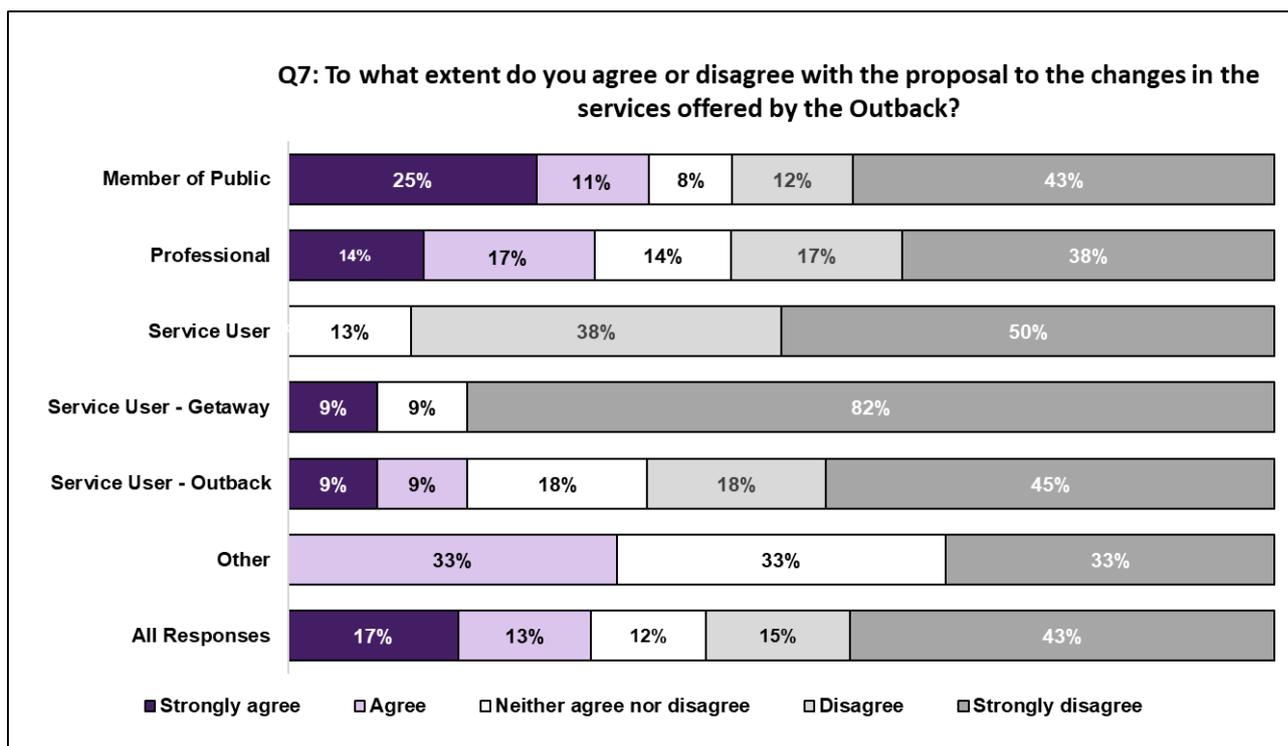
**7.94 Q6: We are considering closing the Outback service. To what extent do you agree or disagree with the proposal of closing the Outback?**

7.95 The vast majority of respondents (93%) either strongly disagreed (85%) or disagreed (9%) with proposals to close the Outback service. 100% of services users strongly disagreed.



**7.96 Q7: To what extent do you agree or disagree with the proposal of the changes in the services offered by the Outback?**

7.97 105 respondents (31%) agreed with proposals to change services offered by the Outback while a further 40 (12%) neither agreed nor disagreed. Services users of the Getaway (22 respondents) had the highest proportion of respondents who strongly disagreed with the proposal (82%).



**7.98 Q8: Please provide any additional comments or suggestions you have regarding the proposed changes to the Outback service.**

7.99 There were 188 responses to this question. The top 15 issues/ themes by broad group are highlighted in Table 3 below.

7.991 In summary, the predominant concern across all respondents was about the potential negative impact on families if services are reduced or discontinued (41%). Separately, this was also the predominant concern for members of the public (42%) and Service users (42%).

7.992 The second most predominant theme across all responses was the emphasis on the vital role of services in supporting families, especially those in need (37%). For professionals, this rose to 42%, the top concern for this group. Opposition to proposals/ leave service as it was also a top theme among respondents (37% of all responses).

7.992 **Table 3: Top 15 themes regarding changes to the Outback service. Top 5 highlighted in blue.**

Theme or Issue	All Responses		Member of Public		Service Users/Other		Professional	
	No	%	No	%	No	%	No	%
Emphasizes the vital role of the Outback services in supporting families, especially those in need.	70	37.2%	18	28.1%	13	41.9%	39	41.9%
Highlights the preventive nature of the services, aiming to prevent family breakdown and crises.	28	14.9%	8	12.5%	6	19.4%	14	15.1%
Concerns about the potential negative impact on families if services are reduced or discontinued.	78	41.5%	27	42.2%	13	41.9%	38	40.9%
Praises the flexible and holistic approach of the Outback services in meeting the diverse needs of families.	27	14.4%	9	14.1%	<=5	<=16.1%	14	15.1%
Expresses concerns about proposed changes, including reductions in service size and funding.	46	24.5%	17	26.6%	<=5	<=16.1%	25	26.9%
Appreciation for the effectiveness and value of the current services provided by The Outback.	39	20.7%	12	18.8%	9	29.0%	18	19.4%
Concerns about impact on other parts of social services, worker support, workload, and the potential for burnout among staff, and external services such as schools.	12	6.4%	<=5	<=7.8%	<=5	<=16.1%	8	8.6%
Considers cost-effectiveness and explores alternatives to cutting essential services suggesting alternatives may not be cost effective	24	12.8%	10	15.6%	<=5	<=16.1%	11	11.8%
Suggests outsourcing/reorganising certain aspects of support to reduce costs while maintaining service quality.	10	5.3%	<=5	<=7.8%	<=5	<=16.1%	6	6.5%
Advocates for long-term, proactive support strategies to address both practical and emotional needs of families.	5	2.7%	<=5	<=7.8%	0	0.0%	<=5	<=5.4%
Highlights the need for accessible and available services, including support during weekends and holidays.	7	3.7%	0	0.0%	0	0.0%	7	7.5%
Provides personal testimonies about the positive impact of the Outback services on families.	7	3.7%	0	0.0%	7	22.6%	0	0.0%
Opposition to proposals/Leave service as it is	69	36.7%	30	46.9%	12	38.7%	27	29.0%
Change other things first, eg senior management salaries, reduce admin, etc	13	6.9%	7	10.9%	0	0.0%	6	6.5%
More not less of this service is needed	21	11.2%	<=5	<=7.8%	7	22.6%	9	9.7%
Qualified support for changes provided funding and correct organisation is in place	14	7.4%	<=5	<=7.8%	<=5	<=16.1%	8	8.6%
<b>Total</b>	<b>188</b>		<b>64</b>		<b>31</b>		<b>93</b>	

**NB: As respondents can raise more than one issue in their comments, percentages will exceed 100%**

7.993 In conclusion, the overall results are as expected, especially given the difficult proposals being consulted on. As stated above, a significant theme for all respondents was scepticism or disagreement with the proposal to

close the Getaway and the Outback. There were also concerns about potential long-term impacts of service reductions, including strain on families, heightened risks of crisis situations and higher costs for local authorities. Further concerns were around the potential negative impact on families if services from the Outback were to be reduced or discontinued.

7.994 In consideration of the consultation result and if the proposals were agreed, every attempt will need to be made to mitigate against impacts or the concerns expressed. However, given the Council current and future financial difficulties, the department is having to prioritise its statutory responsibilities rather non-statutory areas of work.

## **8. Alternative Options Considered, Implications and possible mitigations**

8.1 An alternative option to close The Getaway and Outback, offering no alternative, would save the Council £1.624m, comprising of £0.995m for the Getaway and £0.629m for the Outback provision.

### **Risk Factors:**

- Spiralling and hyper inflated cost from private providers eroding the Council's funds and putting at risk our ability to balance our budget.
  - Potential redundancy risks/costs if unable to redeploy to other areas of the Council – £261k
    - The Getaway £128k
    - The Outback £133k
  - Loss of a skilled workforce and resource for children with Special Educational Needs and Disabilities at a time of increasing need in this cohort of children
  - Potential loss of resources OR ongoing overheads (building)
  - Reputational risk to the council
  - Adverse media and public interest
  - Additional children coming into care.
- 8.2 The savings do not take in to account the potential extensive costs in relation to maintaining the buildings at both The Getaway and The Outback for an interim period whilst decisions about their future use or ownership are made, this will include ongoing running costs, maintenance cost, the cost of security versus the risk of the cost of vandalism, depreciation, the cost of removal, repurposing or disposal of fixtures and fittings.
- 8.3 To replace these capital assets and to recruit and train staff lost for future unmet need would have massive implications on our budgets, over keeping the physical and human resources in place for what has the potential to be an ever-changing marketplace.
- 8.4 Appendix 3 shows that by closing The Outback, six children currently supported could potentially cost the local authority a total of £2,202,333. Five of the nine children would require direct payment to receive the intensive

support they need and £1,800,000 of the above potential cost would include placement costs for the four children who are on the edge of care and being supported to prevent from coming into care.

- 8.5 As outlined at the start of this report, it would seem to be a perverse and inappropriate measure to close an outstanding Derbyshire residential home over repurposing it's function at a time when high-cost private provision has been highlighted as one of the council's biggest pressures and availability in the private market is limited.
- 8.6 With spiralling costs of care, the most efficient use of resources is vital, and this proposal provides a highly cost-effective application of care arrangements. In progressing this change, we will stop £1.4m spend on private provision and have more Derbyshire children living within Derbyshire borders therefore offering the added benefit of re-establishing the children within local communities closer to their family networks. This would also support £1.9 million in cost avoidance by preventing children coming into care.
- 8.7 The Competition and Markets Authority (CMA) report in 2022 highlighted the following:
- *A lack of placements of the right kind, in the right places, means that children are not consistently getting access to care and accommodation that meets their needs.*
  - *the largest private providers of placements are making materially higher profits, and charging materially higher prices, than we would expect if this market were functioning effectively; and*
  - *some of the largest private providers are carrying very high levels of debt, creating a risk that disorderly failure of highly leveraged firms could disrupt the placements of children in care.*
- 8.8 Providing more internal placements for our children responds to these concerns and would result in substantial savings both in direct revenues and potential cost avoidance.
- 8.9 In terms of mitigations, there are a range of options and actions available to the Council. These are as the following..
- There has been an initial informal review of the children and young people who currently access the Getaway and an exploration of what alternative provisions could be put in place based on individual needs and circumstances. Two young people within this cohort, have been identified as having a clear residential short break need. It would be planned for these 2 young people to be offered alternative short break provision within DCC wider residential provision (The Willow's children's home.)

- The wider Derbyshire residential provision will maintain some short break provision. The Willow's home currently offers 2 short breaks beds, alongside 2 long-term beds. However, there is scope to increase this provision by 2 beds and some of this could be used for additional long-term or short break beds. However, some additional staffing cost will likely be needed.
- The Spire residential home is another DCC residential home which offers short breaks. They currently offer 5-beds for a range of short breaks. Short break care provision will continue to be offered.
- The Council's children's commissioning team have started a tendering process to look at establishing block contracts for short break provision. This is an on-going process and the tendering process is likely to end in May 2024.
- The DCC fostering service also offers specialist short break for children with disabilities. There is currently a new D2N2 fostering recruitment hub, where the DoE have given D2N2 Councils an extra £1.2million of funding to support foster carer recruitment. It is hoped that this will increase the specialist short break fostering provision to strengthen the Council overall short break offer.
- If agreement is reached to retain the Outback provision, this service will provide a more targeted approach and support children who would normally access short breaks. This will include operating an outreach club and targeted visits to support for children who need short break provision.
- A full short break offer review will be taking place in April 2024, this will provide further opportunity for consultation and a review of service provision and further mitigation work.

## **9. Appendices**

Appendix 1,2 and 3.

## **10. Recommendation(s)**

That Cabinet support the proposal to repurpose the Getaway and the Outback as an alternative plan to closure to make critical financial savings.

## **11. Reasons for Recommendation(s)**

This proposal will ensure that the Council maintains its statutory responsibilities and strengthens its financial position. It also mitigates against market risks of escalating external residential cost by allowing DCC to increase its own internal provision.

## **12. Is it necessary to waive the call-in period?**

3.1 No

**Report Author:** Kevin Gardom Registered Manager and Luke Impey (Head of Service – Children in Care Provision)

**Contact details:** [kevin.gardom@derbyshire.gov.uk](mailto:kevin.gardom@derbyshire.gov.uk) and [Luke.Impey@derbyshire.gov.uk](mailto:Luke.Impey@derbyshire.gov.uk)

## Implications

Additional but limited local economic impact in the area if Cabinet decides to close the provisions.

### Implications

#### a) Financial

The Finance implications have been set out above. The savings target allocated to these services is achievable should this plan be implemented. Not doing so will result in an alternative plan being needed which will result in a delay to the saving required most likely in to 25/26.

#### b) Legal

Under Schedule two of The Children Act 1989, as amended, there is a duty to provide short breaks. Every Council shall provide services designed to “(a) to minimise the effect on disabled children within their area of their disabilities; (b) to give such children the opportunity to lead lives which are as normal as possible; and (c) to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring”. This is intended not only to avoid situations of crisis arising but to support carers to continue to care for their children.

Under Article 8 of the Human Rights Act 1998 everyone has the right to respect for his/her private and family life. This can include the right to be brought up by their biological family.

Breaks for Carers of Disabled Children Regulations 2011 set out that the Council must have regard to those carers at crisis point but also carers who could provide care more effectively if breaks from caring were offered. The regulations provide for a “sufficiency duty” such that the Council must provide “so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so effectively”. This includes offering services to assist carers in the evenings, weekends and during school holidays. To comply with this duty, it is necessary to understand how many disabled children live in the area, what their level of need for short breaks is likely to be and what services are available. It must be determined whether those services are sufficient to meet the identified need.

Under S30 of the Children and Families Act 2014 the Council is required to publish information for children with Special Educational Needs and/or a disability which includes provision of education, health, and care provision. The Council’s Short Break Statement is published under its Local Offer, in accordance with the SEND Code of Practice.

The local offer must set out details of the range of services on offer, the eligibility criteria by which needs are assessed and how the range of services will meet the needs of the carers in the area. The Council is entitled to take into

account resources when deciding whether to meet a child's needs through short breaks. However, once it has been decided that it is necessary to meet a child's needs in that way, the service must be provided regardless of cost.

The Council is under a duty to review the Local Offer (para 4.18 of the SEND Code of Practice). As part of the review process, there is a statutory duty to consult.

A review of the local offer would need to consider the full range of services, not limited to short breaks and as such would require a full-length consultation. The length of the consultation is not prescribed in statute however Case law has set out that: -

- a) Consultation must be at a time when proposals are at a formative stage.
- b) Sufficient information is available to enable a person to "give an intelligent consideration and response".
- c) there must be "adequate time to respond" and;
- d) The results of the consultation must be taken into consideration when finalising any proposal and provided to the decision maker to inform their decision.

Guidance suggests ideally an 8-week consultation process and case law is available determining 10 weeks to be fair. The shorter the consultation the greater the risk of challenge by way of judicial review.

A targeted consultation has taken place, limited to the proposed savings around short breaks and repurposing of The outback. The benefit of this approach may allow savings to be realised in a timelier manner. However, such an approach is not without risk, challenge by way of judicial review could be mounted based on the need for a full review of the local offer. This risk may be mitigated by the Council's intention to review the Local Offer fully in due course. The Council is committed to this approach, and this would constitute a promise to consult in addition to the statutory obligation set out above.

Clear decision-making rationale for a targeted consultation should be recorded.

The risks associated with a shorter consultation may be counterbalanced by the quality and intensity of the consultation process. Legislation prescribes who should be consulted when reviewing the local offer. In accordance with

the targeted approach, consultation has taken place with those considered to be affected by the proposal. The benefit is that this has reduced the size of the consultation exercise. The risk is that the Council's interpretation may upon challenge, be deemed too narrow. Any challenge would take the form of a judicial review and if successful, may result in the decision-making process having to be revisited which would delay the realisation of the identified savings.

Working together to Safeguard Children 2023 sets out that Early help is support for children of all ages that improves a family's resilience and outcomes or reduces the chance of a problem getting worse". It adds that "it is not an individual service, but a system of support" to be delivered by the Council and its partner agencies. A range of services ought to be available including universal services which can be accessed irrespective of need and also includes more targeted services offered following an assessment of need.

Under S17 of The Children Act 1989 a child is defined as being a "Child in Need" if they have a disability and would be entitled to be assessed for support. The Council must also consider whether support is required under S2 of the Chronically Sick and Disabled Persons Act 1970. If such support is identified and necessary to meet a child's need, the Council must arrange to provide that support. This includes obtaining help in the home, outings, transport to and from home to take part in any services for disabled children in the community.

From time to time, the Council will initiate Court proceedings under S31 of The Children Act 1989 to safeguard children. Other applications under the Adoption and Children Act 2002 may also be initiated. The Council is required to comply with any Court directed parenting assessment whether that be sourced in house or externally. For those children subject to Care Orders, the Council is duty bound to promote family time if it is deemed to be in the best interests of a child. Whilst there is a degree of discretion in how those duties are met it is likely to be more beneficial to continue to provide those services in house. This is based on the demand for assessments and the ability to retain overall control.

The Council must have regard to the Public Sector Equality Duty under the Equality Act 2010. Both age and disability are protected characteristics. Under S149 (1) of the Equality Act 2010 there is a positive obligation upon the Council to have "due regard to" the need to advance equal opportunities to people who have a protected characteristic.

Under S149(3) this means having due regard to the need to:

- i) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.

ii) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and

iii) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

An Equality Impact Analysis is available which carefully sets out the impact of the proposed budget savings upon those with protected characteristics together with action that could be taken to mitigate the likely impact. The analysis must be given careful consideration by Cabinet members.

**c) Human Resources**

If the proposal is agreed, there will be minimal workforce impacts. Any workforce related matters will be dealt with outside of Cabinet and will incorporate further legal advice.

**d) Equalities Impact**

It must be noted that the cohort of children identified will have protected characteristic as such consideration will also need to be given to the equality duties.

Under the Equality Act 2010, age and disability are protected characteristics. The Council is required to, amongst other things, eliminate discrimination, advance equality of opportunity between those who have protected characteristics and those who do not and foster good relations between those groups. Whilst it may not be possible to achieve these outcomes, there is a duty to have due regard to the need to achieve these goals (S149 (1) of the Equality Act 2010).

In the circumstances, an Equality Impact Assessment is strongly advised to understand the potential impact of decisions upon the end users.

This is currently being completed and will be included in the full cabinet report papers.

**e) Corporate objectives and priorities for change**

This aligns with the Council's financial stability priorities and enhances the safeguarding of vulnerable children. The overall financial and reputation risk management is also potentially strengthened.

## Appendix 2

<b>SAVINGS – Current Expenditure base on 3 children.</b>	
EW – 958306 – Blue Mountain Currents Cost	£451,000
AB – 998257 – Horizons - Current Cost £3k PW increase	£475,298
TG – 732645 – Fostering – Notice Served Retirement <b>Est cost</b>	£450,000
<b>TOTAL BED EXPENDITURE SAVING</b>	<b>£1,376,298</b>

<b>Additional COST SAVINGS TRANSPORT</b>	
EW – Send Transport Costs	£10,686
AB – Send Transport Costs	£34,515
TG – Send Transport Costs £200 PD x 180 Days	£72,000
<b>TOTAL TRANSPORT SAVING</b>	<b>£117,201</b>

<b>Additional COST SAVINGS SLEEP-INS</b>	
Avoiding Sleep-Ins	£12,000
<b>TOTAL SLEEP-INS SAVING</b>	<b>£12,000</b>

<b>Additional COST SAVINGS The Outback</b>	
Disestablish two Health posts (Current Expenditure)	£83,532.00
Estimated Milage Expenses for above (Current Expenditure)	£3,000.00
Disestablish Vacant FSA Post from Staffing Structure (Current Expenditure)	£12,000.00
Change of provision from PA support to group setting activities to 12 existing Direct Payment Provisions - 4 hours per week at an average cost of £22 per hour, equalling cost of £4,576 per person per annum	£54,912.00
<b>TOTAL Outback SAVING</b>	<b>£153,444</b>

**Total £1,658,943**

### Appendix 3

#### Children and families currently supported by The Outback with potential costs of alternative services.

Young Person Initials	Impact of Service Closure	Potential Costs
MH	Breakdown of current contract care placement and breakdown of family resulting in MH coming into the full-time care of the local authority	£365,725 + for a placement to meet MH's complex needs
NA/RA	Family is at risk of breakdown without the current level of support that has been assessed as required	£900,000 (for placements to meet NA and RA's complex needs)
ME	Current assessed need is 2:1 support due to ME's complex needs.	£9,152 (for current level e.g., via PA support)
RC	Current assessed need is 2:1 support due to RC's complex needs.	£9,152 (for current level e.g., via PA support) This has the potential to increase in cost due to the family circumstances
DW	In PLO with potential for DW to be removed from his father's care resulting in DW being in the full-time care of the local authority	£450,000 based on a full-time residential placement.
LS	Reunification to Mums care is currently being supported. Current foster carers are retiring. Potential breakdown of the reunification process, resulting in LS being in the full-time care of the local authority.	£450,000 based on a full-time residential placement.
IH	Recently returned to Mums care following support from The Outback. Further support is underway to ensure this	£450,000 based on a full-time residential placement.

	<p>reunification is sustained. Without the correct support, there a likelihood of family breaking down again resulting in IH coming back into the full-time care of the local authority</p>	
GC	<p>Recently returned to Mums care from a foster placement. Further support is underway to ensure this reunification is sustained and a safe environment for GC. Without the correct support, there a likelihood of family breaking down again resulting in GC coming back into the full-time care of the local authority</p>	<p>£450,000 based on a full-time residential placement.</p>

