

## Summary Sheet

### Cabinet and Commissioners' Decision Making Meeting – 10 July 2017

#### The introduction of a Resource Allocation System (RAS) for Children and Young People

#### Is this a Key Decision and has it been included on the Forward Plan?

Yes

#### Strategic Director Approving Submission of the Report:

Ian Thomas, Strategic Director, Children and Young Peoples Services

#### Report Author(s):

Ailsa Barr, Head of Locality Social Work;

Mary Jarrett, Service Manager, Children with Disabilities

#### Ward(s) Affected:

All

#### Executive Summary:

To support the implementation over the next year of a Children and Young People's Resource Allocation System (RAS) to promote financial transparency and to deliver person-centred outcomes for children and young people with Special Educational Needs and Disabilities (SEND).

#### Recommendations:

1. That approval be given to the implementation of the Children's RAS as a tool to support social care assessments, associated financial allocation and the offer of Personal Budgets to disabled children, young people and their families from August 2017.
2. That approval be given to a 12 month implementation period for the RAS tool based on the need to review children and young people's current packages of care to inform their new packages of support supported by a personal budget.
3. That approval be given to a three month notice period for packages of care assessed as lower than previously calculated, as new arrangements are being put into place.

**List of Appendices Included:**

Appendix i - Clinical Commissioning Group (CCG) Children's Personal Budget policy

Appendix ii - Equality Analysis

**Background Papers:**

Children and Families Act, 2014

SEND Code of Practice, 2014

Chronically Sick and Disabled Persons Act, 1970

Direct Payments Leaflet for Families with Education (attached)

Resource Allocation System (attached)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Improving Lives Select Commission

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Title (Main Report)**

### **1. Recommendations**

- 1.1 That approval be given to the implementation of the Children's RAS as a tool to support social care assessments, associated financial allocation and the offer of Personal Budgets to disabled children, young people and their families from August 2017.
- 1.2 That approval be given to a 12 month implementation period for the RAS tool based on the need to review children and young people's current packages of care to inform their new packages of support supported by a personal budget.
- 1.3 That approval be given to a three month notice period for packages of care assessed as lower than previously calculated, as new arrangements are being put into place.

### **2. Background**

- 2.1 The Children and Families Act (2014) and subsequent Special Educational Need and Disabilities (SEND) Code of Practice makes it mandatory for Local Authorities to have a Personal Budgets policy and to consider, upon request from parents, any instance where a Personal Budget could contribute in part or full towards a young person's Education, Health and Care Plan (EHCP).
- 2.2 A Personal Budget is an amount of money identified by the local authority to deliver support and services (education, health, and/or social care) to meet the assessed support needs of a child or young person as outlined in their EHCP or Care Plan. This will be established during the EHC or Care planning process and will be clearly communicated to families. The Personal Budget will not replace or replicate existing services and will only be used to create bespoke services, where there is an identified need or gap in a child's plan.
- 2.3 A Direct Payment is one way of taking control of a Personal Budget for the child, young person and family. Direct payments are made directly to the child's parent or the young person into a designated bank account, which allows them to arrange provision themselves. In all instances the direct payment arrangement will be underpinned by a signed written agreement and supported by the positive risk taking policy. Whatever the individual then purchases with their direct payment is bought as a private purchaser, although the money is still public money and remains so for the purpose of recovery when the support package ends. It will cover aspects of the Child's Plan that can be offered as a Personal Budget. It will not cover the cost of funding a school place, residential care placement or post-16 institution.
- 2.4 In Rotherham personal budgets are already being used to facilitate, where necessary, the provision of support and care for children and young people with SEND, particularly where personal care is required or where a child, young person or their family requires a break from their caring responsibilities. At present 111 children or young people receive a Direct Payment from Children and Young People's Services. These are allocated on the basis of an Early

Help assessment or Social Care assessment and there is little transparency of process. Decisions about Direct Payments are agreed by the Children's Short Breaks Panel, which contributes to work in developing person-centred, outcome-focused plans for children and young people.

- 2.5 In 2015/16 spend on Direct Payments was £210,000. In 2016/17, this increased to £420,000. The increase was in part due to a move away from commissioning care for children via block contracts and an increase in families requesting personal budgets as personalisation has become a more established way of providing care for children and young people with SEND. Moreover, an increasing number of children and young people are living longer with more complex disabilities and families are increasingly choosing to support their children and young people at home and in their communities rather than institutionalising them.
- 2.6 Children's Disability Services has worked with the leading national personalisation charity 'In-Control' to develop a RAS which will enable, in the first instance, social workers and disability family support workers to develop an outcome-based, person-centred plan which is costed to match the level of need of the young person. A RAS therefore creates equity of provision and an understanding of the resource required to deliver social care.
- 2.7 The outcomes identified for children and young people within the Rotherham Children's RAS include enabling them to develop independence skills, behaviour management skills, enjoy good relationships with their families and communities and achieve success in education. The aim and underlying principles of the support plan are to enable children and young people with SEND to lead ordinary lives as a matter of course within their local communities.
- 2.8 The Children's RAS was created using the actual costs of care currently in Rotherham, based on a detailed analysis of payments made in the last year to children, young people and families receiving a Direct Payment to meet the costs of their care.
- 2.9 The Children's RAS is primarily a tool to support outcome based plans for children, young people and families who require additional support, whilst simultaneously providing a financial rationale for decisions.
- 2.10 The Children's RAS has been piloted 'in principle' (i.e. applying the tool to existing packages of care in current use) to ensure it is viable and that it accurately reflects the relationship between the outcomes needed for the child or young person, the resources already present within the child's environment to support them achieving these outcomes and the additional resource required to achieve these outcomes in the short, medium and long term.
- 2.11 It is proposed that all packages of care will be reviewed every 6 months using the RAS to recognise that children and young people's care needs will not be static. The annual review will take place in alignment with a child or young person's EHCP review to ensure that children and young people have a holistic package of care.

2.12 Worthy of note, Rotherham CCG adopts a similar outcomes based support plan to enable families with children who are eligible for continuing healthcare to develop personal, health budget support plans (appendix i) and examples of local practice have been shared with Rotherham CCG to inform the development of the RAS.

### **3. Key Issues**

3.1 Use of a RAS in Children's services will create a more equitable system and also provide some bench-marking and calculation of Social Care costs for children with SEND in Rotherham

3.2 Implementation of the RAS in Children's services will take a year, with pilot use of the tool demonstrating that in the majority of instances, care packages will remain unchanged by the system. However, plans for children and young people will become more clearly understood by all parties involved in a child or young person's care and plans will be more child-centred.

3.3 Where the pilot has demonstrated a lower figure for care than the family is currently receiving, this has been mitigated by the improved Care and Support plan which is the key feature of the proposed RMBC Children's RAS. Subject to approval, families will be given sufficient time (3 months) and support to find alternative packages of care, which demonstrably meet their child or young person's identified needs.

### **4. Options considered and recommended proposal**

4.1 RMBC faced the following options when considering the distribution of Personal Budgets and use of a Resource Allocation System:

- **Do nothing**- not recommended as current system lacks transparency for families and does not produce equitable support plans based on identified outcomes.
- **Buy an 'off the shelf' RAS** –not recommended because it will not recognise Rotherham's ambitions in becoming a child-centred borough and will not recognise local costs or local needs.
- **Develop a new RAS using advice and expertise from 'In-Control'** – This is the recommended option as it allows local flexibility within an established methodology for agreeing outcomes and calculating costs, relative to the context (and high ambitions) in Rotherham.

### **5. Consultation**

5.1 A meeting was held with Rotherham Parent Carers Forum at the end of March 2017, where the RAS and Personal Budgets policy was shared with stakeholders, with alterations made as appropriate and outcomes agreed.

### **6. Timetable and Accountability for Implementing this Decision**

6.1 If approved the roll out will commence in August 2017.

- 6.2 It is anticipated that the implementation of the RAS will take one year. During this year existing packages of care will be reviewed and new packages assessed using the RAS.
- 6.3 Accountability for implementation rests with the Strategic Director of Children's and Young People's Services.

## **7. Financial and Procurement Implications**

- 7.1 As children, young people and families have requested more personalised packages of care the Direct Payments budget within Children's Services has increased. At present there is no mechanism for ensuring that spend is equitable, meets needs and delivers outcomes. The RAS will enable spend to become more predictable and should enable the Children's Direct Payments budget to be standardised and fair. The Children's Commissioning team will be undertaking a market development exercise to ensure that children, young people and families have a good range of local services to meet their needs.
- 7.2 The 2017/18 Direct Payments budget was increased to £450k in order to align the budget to previous year's expenditure and anticipated future increase in demand. Some of this provision has been funded by the recent review of Short Breaks. The implementation of the RAS should ensure spend is contained within this 2017/18 budget allocation.
- 7.3 A review of the 2017/18 budget and resulting impact of RAS will be picked up as part of the budget monitoring process.
- 7.4 The reviewing of children and young people's current packages of care and introduction of new packages will be monitored as part of this budget monitoring process and any impact identified.
- 7.5 Governance and administration processes will be reviewed and revised to ensure effective and efficient management of payments and desired outcomes.

## **8. Legal Implications**

- 8.1 The Children and Families Act 2014 (section 49) creates a statutory duty for the Local Authority to prepare a personal budget for a child or young person if asked to do so by the child's parent or the young person. The Special Educational Needs (Personal Budgets) Regulations 2014, require the Authority to ensure that the amount of direct payments is adequate to secure the agreed provision and may adjust direct payments to ensure this. Following a review, should the Authority decide to reduce the amount of a direct payment, then it must provide reasonable notice to the recipient before decreasing the payment and provide written reasons for the decision. The Authority would also be required to reconsider its decision where requested to do so by the recipient of the direct payment.
- 8.2 The Authority also has statutory duties to provide short breaks for Disabled Children in accordance with section 2 of the Chronically Sick and Disabled Persons Act 1970.

8.3 The proposed RAS will provide support to the Authority in managing challenge and operating fairly and transparently when meeting these duties.

## **9. Human Resources Implications**

9.1 None.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 The RAS will support the more equitable provision of Personal Budgets to children and young people with SEND and their families within their community. The RAS will promote outcomes-based plans, which are more ambitious in using resources to support children and young people within their communities to achieve their full potential.

## **11. Equalities and Human Rights Implications**

11.1 The RAS will promote equality of access for children and young people with SEND and ensure that the Council continues to address issues of Disability Discrimination by supporting children and young people with SEND with equitably resourced person-centred plans. An Equality Analysis (EA) was completed subsequent to formal consultation with service users. Decision-makers should give due regard to the result of the EA which can be found at appendix ii to this report.

## **12. Implications for Partners and Other Directorates**

12.1 The Children's RAS has been shared with colleagues in Adults Social Care who will be involved with the implementation of the Children and Young People's RAS

12.2 The RAS has been shared with partners via the SEND Commissioning Group.

## **13. Risks and Mitigation**

13.1 The primary risk to the Council is via challenge from families whose personal budgets decrease as a result of the implementation of the RAS. This will be mitigated by the three month notice period, the transparency of process involved in calculating the RAS and the regular review process.

13.2 The secondary risk to the Council is increased spend on personal budgets, this has been mitigated by a commissioning review of short breaks for disabled children undertaken by Children and Young people's services and exploration of some joint commissioning with adults, including the current Home Care contract.

## **14. Accountable Officer(s)**

Mel Meggs, Deputy Strategic Director, Children and Young People's Services  
Linda Harper, Interim Assistant Director, Commissioning, Children and Young People's Services

Approvals Obtained from:-

On behalf of the Strategic Director of Finance & Customer Services:-  
Mark Chambers

On behalf of the Assistant Director of Legal Services:-  
Neil Concanon/Moira Cooper

Head of Procurement:- N/A

Human Resources:- N/A

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