

Overview and Scrutiny 4/1/17

A. Children and Families Act 2014

Does the city hold as a priority the need to be compliant with the Children and Families Act 2014, part 3, section 19 – specifically part d of section 19?

Local authority functions: general principles

S.19 Local authority functions: supporting and involving children and young people In exercising a function under this Part in the case of a child or young person, a local authority in England must have regard to the following matters in particular—

(a) the views, wishes and feelings of the child and his or her parent, or the young person;

(b) the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to the exercise of the function concerned;

(c) the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions;

(d) the need to support the child and his or her parent, or the young person, in order to facilitate the development of the child or young person and to help him or her achieve the best possible educational and other outcomes.

B. Portage Service

A number of families and professionals have raised concerns in relation to the restructuring of the Portage service. This is an 'Early Intervention' and vital for families pre-school.

A letter sent on behalf of families has been sent and a response received.

Question whether the response that they are 'not cutting the service they are increasing it' is accurate?

- The new Early Years posts they are supposedly creating will not have direct contact with children and parents within the home.
- There will still be a significant impact on children receiving home visiting. The criteria for the service will have to be tightened once again somehow.
- Are they referring to Children's Centres offering support? If so this is universal support NOT specialist. There has been numerous examples of parents of children with ASD being placed on general parenting courses and of incorrect strategies and advice being given to parents - setting them up to fail.

- There have been increasing numbers year on year of severely disabled children being born in Nottingham city. How will we be able to give these children the best start possible with 3 workers across the whole city? The January Census 2014 reported 7,738 of city pupils with SEND. Also, a rising birth rate – from 3,200 in 2000 to 4,500 in 2011.

C. Short Breaks

Additionally, concerns are being raised with regard to the cuts in Short Breaks funding and direct payments – in order to align the hourly rate to that of adult social care rates.

Provision of Short Breaks is a statutory duty and enshrined in law.

'A Local Authority budget is simply an estimate of its expenditure. It is always open to a Local Authority to spend more than its budget in a particular area – and indeed it may have to do so if this is required in order to comply with its legal duties, as may well be the case in relation to short breaks. Also, even if budgets are cut the next question is how the available funds are going to be allocated. Many of the issues below – for example the 'sufficiency duties' (being duties to secure a sufficient supply of short break services) and the Public Sector Equality Duty – are directly relevant to how funds are allocated and how decisions are taken.

Can the Local Authority show compliance with the 'sufficiency duties' imposed by regulation 4 of the Breaks for Carers of Disabled Children Regulations 2011 and section 27 of the Children and Families Act 2014? In particular does the Local Authority know (1) how many disabled children there are in its area, (2) what the likely need for short break services will be for these children and their families and (3) whether the level of short break services to be provided after the funding is cut will be sufficient to meet this need?

Recent statistics produced for a Peer Review (November 2016)

Key facts about Nottingham


Nottingham City
Clinical Commissioning Group

- 314,000 people are resident in Nottingham City
- 128,000 children and young people aged between 0-24
- The population is expected to rise 10% by 2020
- There are 46,000 young people in Nottingham schools, 16% of whom have SEND
- Between 2,000 – 3,500 children are estimated to be experiencing some form of disability
- Boys are two and half times more likely to have EHC Plans compared to girls
- There is a link between SEND and deprivation and the more deprived wards in the city have significantly higher levels of people with an SEND



The estimated 2000 to 3500 is inconsistent with 16% of 46,000 (=7,360) and also the figures stated in a Service Specification of 21.3% presumably from the JSNA from 2010. Does the LA know how many CYP with SEND that they have a duty to support?

Regarding evening and weekend activities access for disabled children - a lot of parents are being told to use their short breaks money for 1-1 support but then don't qualify or are not successful when they apply. Additionally, some families find it difficult to find appropriate options for their child due to limited Short Break providers.

"Nottingham City Council has developed a proposal to align the direct payment rate for children (currently £10.57), to that paid to adults (£8.71). We have started consultation on these proposals and as an existing recipient I am seeking your views. This proposal will mean that for all new recipients of direct payments, the rate will be aligned to the adult rate of £8.71 from the 1st April.

Please see attached your personalised impact profile to understand how this will impact on yourselves and help you to prepare for these proposed changes.

We are making this proposal to assist the Council to make savings that are required in the budget over the next three years. This change will help to ensure children have a more seamless transition to our adult direct payments scheme."

D. Questions

We would like to ask you the following questions and would be grateful if you could answer them as soon as possible.

1. How much money does the Local Authority currently hold in its reserves, and in particular how much money is in 'unallocated' reserves, by which we mean reserves which are not earmarked for a specific purpose?
2. What if any consideration was given by the Local Authority to using its unallocated reserves to avoid or reduce the need to cut spending on short breaks?
3. What if any increase in Council Tax is proposed by the Local Authority for 2017/18?
4. What if any consideration was given to increasing Council Tax as a way of avoiding or reducing the need to cut spending on short breaks?
5. When the Local Authority consulted on the proposal to cut spending on short breaks, what if any information was given to consultees on these or other alternative ways of meeting the shortfall in funding available to the Local Authority?
6. Can the Local Authority show that it is going to be providing a level of short break service which is sufficient to meet the needs of children and families in our area after the funding cuts, as required by regulation 4 of the Breaks for Carers of Disabled Children Regulations 2011 and section 27 of the Children and Families Act 2014?
7. Can the Local Authority show that it is going to be able to provide short breaks to all disabled children for whom it is necessary to provide this service to meet their needs, as required by section 2 of the Chronically Sick and Disabled Persons Act 1970?
8. How will the Local Authority meet its obligation to promote the right to respect for private and family life under Article 8 of the European Convention on Human Rights if the short breaks budget is cut?
9. How will the Local Authority meet its obligation to treat disabled children's best interests as a primary consideration in its decision making process when deciding on the proposed cut to the short breaks budget, as required by Article 3 of the UN Convention on the Rights of the Child?
10. How can the Local Authority show that it has complied with the Public Sector Equality Duty in its proposed cut to the short breaks budget, in particular the duty under section 149(1)(b) of the Equality Act 2010 to have due regard to the need to advance equality of opportunity for disabled children? We would urge you and your fellow councillors to reconsider the proposed cut to the short breaks budget for 2017/18. We would strongly argue that this would be a false economy, as cutting short breaks is likely to lead to the need to fund expensive crisis interventions for families who can no longer cope. We would also argue that the proposed cut will breach the legal duties that we have asked questions about above.