



Call In Overview and Scrutiny Committee

Wednesday, 8 June 2011 at 7.30 pm

Committee Room 1, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

Ashraf (Chair)
Denselow (Vice-Chair)
Mrs Bacchus
Gladbaum
Kabir
Lorber
Mistry
HB Patel

first alternates

Councillors:

Clues
Beckman
Harrison
Adeyeye
Mitchell Murray
Matthews
McLennan
BM Patel

Second alternates

Councillors:

Brown
Hossain
Sheth
Al-Ebadi
Chohan
Allie
Aden
Colwill

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting any relevant financial or other interest in the items on the agenda.	
2 Deputations (if any)	
3 Minutes of the last meeting held on 27 April 2011	1 - 8
The minutes are attached.	
4 Matters Arising	
5 Call-in of Executive decisions from the meeting of the Executive held on 23 May 2011	9 - 30

Decisions made by the Executive on 11 April 2011 in respect of the report below was called in for consideration by the Call In Overview and Scrutiny Committee in accordance with Standing Orders 6 (b) and 18.

Restructuring short break residential provision in Brent for children with disabilities

The reasons for the call in are:-

- To consider in detail the implications of closing one of the two centres (in particular before the new Village School is completed).
- To consider what mitigating measures are being planned/developed to assist parents who currently use the centre.
- To explore in more detail the reasons for the closure of Crawford Avenue.
- To explore the impact on children and their families who currently use the Clement Close centre.

Suggested action for the Call In Overview and Scrutiny Committee to take:-

- To consider alternative proposals for Executive.
- To consider in further detail the implications for the young people and their parents who currently attend the centre.

The Executive report is attached.

The Lead Member and Lead Officer are invited to the meeting to respond to Members' questions.

6 The Executive list of decisions for the meeting that took place on 23 May 2011. 31 - 36

The list of decisions that took place on 23 May 2011 is attached for information.

7 Date of next meeting

The next meeting of the Call In Overview and Scrutiny Committee is scheduled for Wednesday, 29 June at 7.30 pm and will take place in the event of there being any call-ins of decisions made by the Executive on 13 June 2011.

8 Any other urgent business

Notice of items raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near the Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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MINUTES OF THE CALL IN OVERVIEW AND SCRUTINY COMMITTEE Wednesday, 27 April 2011 at 7.30 pm

PRESENT: Councillor Castle (Chair) and Councillors Mrs Bacchus, Denselow, Gladbaum, Kabir and Lorber and Councillor H B Patel.

Also Present: Councillors Beck, Cheese, Colwill, John OBE (Leader of the Council and Lead Member for Corporate Strategy and Policy Co-ordination), Jones (Lead Member for Human Resources and Diversity, Local Democracy and Consultation) and Powney (Lead Member for Environment, Planning and Culture).

Apologies were received from: Councillor B M Patel.

1. **Declarations of personal and prejudicial interests**

Councillor Lorber declared an interest as director of Friends of Barham Library in relation to item 4, however the interest was not considered prejudicial and he remained present to consider and vote on this item.

2. **Minutes of the last meeting held on 2 March 2011**

RESOLVED:-

that the minutes of the meeting of 2 March 2011 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Call-in of Executive decisions from the meeting of the Executive held on 11 April 2011**

Decisions made by the Executive on 11 April 2011 in respect of the report below were called in for consideration by the Call In Overview and Scrutiny Committee in accordance with Standing Orders 6 (b) and 18.

Library Transformation Project

One group of councillors called in the decisions for the following reasons:-

- To consider fully, the alternative options proposed by the various campaign groups seeking to save their local library.
- To make recommendations for a new model of library provision which will safeguard the libraries from the threat of closure.

- To consider the flaws in the consultation.

Another group of councillors called in the decisions for the following reasons:-

- To fully discuss the implications on the borough of the closures of the six libraries
- To consider the results of the consultation and the conclusions drawn by Council Officers which were accepted by the Executive.
- To fully consider the alternative proposals put forward by residents and campaign groups which to date have not been properly examined and to allow them more time to refine their plans
- To fully investigate all proposed business plans put forward by all campaign groups
- To discuss fully the impact of the closures on age and race equality issues.

Suggested action for the Call-in Overview and Scrutiny Committee to take:-

One group of councillors suggested the following:-

- To consider the full implications of the decision and to discuss alternative methods of library service delivery.

Another group of councillors suggested the following:-

- To consider how to support community and other groups in running their library services locally by providing sufficient time for business plans to be developed.
- To consider possible efficiency savings and the use of the Council's financial reserves to enable further library service delivery.

At the invitation of the Chair, Councillor Lorber, one of the councillors who had called in this item, was invited to summarise the reasons for call in for his group. He emphasised the need to look at the alternative options proposed by the various organisations for libraries proposed for closure to continue to remain open in more detail, to take into greater account these alternative proposals for future library provision which will safeguard the libraries from the threat of closure and to address concerns in respect of the consultation that had been undertaken. Councillor Lorber added that all the issues in respect of the decision made should be considered, in particular the impact it will have on young people.

Councillor H B Patel, one of the councillors who had called in this item, was then invited to summarise his group's reasons for call in. Councillor H B Patel began by stating that the proposed closure of six libraries would impact upon the entire borough, whilst the consultation process also needed to be scrutinised. He stated that all alternative proposals made by various organisations should be afforded more time and given appropriate guidance to develop their proposals that may be more acceptable to the council's criteria.

The Chair then invited representatives of Brent Youth Parliament to address the committee. Members heard that Brent Youth Parliament represented the 72,000 or so young people who lived in the borough. Kishan Parshotam, Chair of Brent Youth

Parliament, highlighted three areas of particular concern in respect of the proposals. These included the loss of study space because of library closures at an important time for students who would be studying during the exam period over the summer, the long term impact on library services on educational standards, particularly in light of the improvements achieved in Brent in recent years and concerns regarding the lack of consultation and not taking into account the views expressed by young people. Although it was acknowledged that savings needed to be made, greater consideration needed to be given to the detrimental effects of closing libraries affecting vulnerable groups in particular and students' ability to achieve the increasingly higher grades required to obtain places at universities.

In reply to queries from Members, Kishan Parshotam felt that there would be insufficient study spaces provided by the libraries that were to remain open, whilst Sunday opening would not be of particular benefit as most students would use the libraries during the other days of the week. He expressed concern that study space would continue to be an issue until the remaining libraries' upgrades were completed, a process that may take two years. Kishan Parshotam confirmed that he wished the committee to recommend to the Executive that they ensure that existing libraries or suitable alternative local premises continue to be available for young people during the 2011 exam period; that the Executive reconsider the implications and consequences of closing six libraries on young people living in areas nearby; and that the Executive consider the provision of facilities to access computers and revision space during exam periods in subsequent years in those areas where libraries are being closed and in addition that the Executive ensure that as far as possible young people are made aware of these facilities.

The Chair invited Jacqueline Bunce-Linsell, representing Preston Community Library, to address the committee. Jacqueline Bunce-Linsell explained that the council had acknowledged that Preston Community Library had submitted their proposals in time for the deadline, however due to communication issues the proposals had not been considered in time for the report submitted to the Executive. She stated that she was still awaiting information concerning the council's criterion to take on the library buildings proposed for closure and other important details such as insurance, electricity and rates costs. Jacqueline Bunce-Linsell also asserted that the application had not been assessed in the same way as other proposals and queried why certain appraisal factors were considered for her application, but not for Montessori School. Members heard that Preston Community Library had not provided some cost details in the application as it had not received the relevant information from the council and she reiterated that her proposals would allow the library to continue to operate at no cost to the council. Jacqueline Bunce-Linsell stated that should Preston Community Library obtain charity status, a Barclays Bank Business Manager had advised that the library could operate at costs of around £40,000 - £45,000 a year. Members heard that Preston Library was the only library that had no steps and that its closure would be discriminating against disabled people.

Jacqueline Bunce-Linsell requested that the committee recommend to the Executive that the information that she had requested be provided; that Preston Community Library be given time to act upon the necessary information to complete and submit their business plan and hold subsequent discussions with the council; and in the meantime the decision to close Preston Library be postponed.

The Chair then invited David Butcher, a local resident, to address the committee. David Butcher began by stating that the council had indicated that there was a preference that any alternative proposals be at no cost to the council and not that all proposals must be at no cost to the council. He suggested that the council's criteria should be published so that all organisations could re-submit their proposals, adding that alternative proposals for Kensal Rise Library would have been much different if the necessary information had been provided. With regard to improving the remaining libraries, David Butcher stated that these may take some time and he suggested that more consideration needed to be given as to how the space lost through the closures could be re-provided more quickly. He also felt that the consultation response from schools was particularly low and that there should be a re-consultation exercise to include the views of both students and staff.

Linda Green, representing the Save Preston Library Campaign, was invited by the Chair to address the committee. She informed Members that some 6,000 residents had signed the Save Preston Library petition which had been presented to the Executive on 11 April. She stated that she had contacted a number of schools about the consultation, all of which had told her that they had not seen any consultation documents, whilst one school had claimed it was not even aware of proposals to close some libraries. Members heard that Preston Manor and Wembley High schools and Oakington Manor, Preston Park and Barham Primary schools were amongst those who had claimed they had not received consultation documents. Linda Green felt that there had not been a full consideration of the alternative proposals put forward which had to be hurriedly prepared in any case because of the short deadlines given. She suggested that an independent review of libraries could be undertaken, perhaps by another local authority. In respect of Preston library, there were a high proportion of older, younger and disabled people who used it. Young people in particular had stated how much they enjoyed using the library which was also used by five schools. Linda Green queried whether Kingsbury library would have sufficient capacity to take on former Preston library users and where would these users go whilst Kingsbury library was being upgraded. It was also commented that bus travel to the Town Hall library was not convenient. Members heard that Preston library had been refurbished relatively recently and was fit for purpose. Linda Green suggested the committee recommend to the Executive that schools be properly consulted and their responses to it be fully considered and that responses received to date also be considered in more detail.

During discussion by Members, Councillor Kabir commented that the Executive report did address some issues with regard to providing sufficient study space for students and that there were a number of ways that could be considered to facilitate this. Councillor Gladbaum acknowledged that some difficult decisions have had to be made, however the library transformation programme would offer a better library service in the long term. This would include a number of improvements such as longer opening hours and Sunday opening. She stated that schools could potentially be used to provide additional study space and offered the ideal environment for such a provision. She advised that a meeting of the School Improvement Service on 28 April would include discussion on whether schools could be used for this purpose during the school holidays.

Councillor H B Patel acknowledged the need for students to have access to quiet spaces to study, especially during the exam period and he expressed concern that

some students may now have to travel some distance for such provision. He enquired whether the alternative study space locations had been identified and if so what were the costs involved, adding that the libraries due to close were funded to operate until September. In respect of the alternative proposals, Councillor H B Patel felt that there was a distinct lack of terms of reference from which the organisations could base their applications on and information from the council was either lacking or not provided in sufficient time. He expressed concern that schools may not have been afforded a proper opportunity to respond to the consultation and that greater consideration of those who had responded needed to be undertaken before determining a final view, especially as the majority of the responses were against the library closures.

Councillor Lorber commented that as yet there had been no formal discussions with staff and trade unions in respect of Saturday and Sunday openings and as a result he sought views as to how confident the council was that staff would be willing to work on these days. He felt that the concerns raised by the Brent Youth Parliament concerning study space were compelling and that their recommendations should be agreed to ensure students' study was not interrupted during the exam period. With regard to the measures referred to in section 4.5 of the Executive report concerning support for children, young people and families, he stated that none had any timescales or guarantees that they would be in place in time for the exam period. In view of this, Councillor Lorber felt that it would be appropriate to keep those libraries proposed for closure open until 31 August, after the exam period had finished so as not to disrupt students' revision. He suggested that keeping schools open in the holiday period as an alternative way of providing student space would have financial implications that would negate some of the savings intended from the proposals. Councillor Lorber sought further details as to what information was provided to the organisations submitting alternative proposals and at what point was it provided. He asked whether the organisations were informed prior to submitting their applications that they would need to factor in any rental or insurance costs and he suggested that an information memorandum should have been provided to them. He referred to page 141 of the appendix to the Executive report which set out the criteria for the alternative proposals and he suggested that this had not been directly communicated to the organisations involved prior to their applications and at what stage were they informed that they needed to address these specific points. He enquired why Preston Community Library's request for such information had been treated as a Freedom of Information request and suggested that any such details may have been provided too late and therefore it was unfair to reject its proposals on the basis of not providing sufficient information in certain areas and in addition this application's proposals would be at no cost to the council.

In respect of the consultation, Councillor Lorber stated that details of the letter sent to schools was not included in the report and he sought further information on this and asked whether each school had received exactly the same letter. Of those schools who had not responded, he enquired why they had not been reminded that their response was awaited. Councillor Lorber suggested that those schools in areas where libraries were proposed to close should be re-consulted. He commented that Brent Magazine's publicity of the library transformation programme had not made any mention of proposed closures to specific libraries. An explanation was sought as to why Neasden library was proposed for closure, even though it was amongst the more heavily used in the borough and further clarity was

sought as to the reasons alluding to deprivation to keep South Kilburn library open, particularly as St Raphael's Estate in Neasden was a similarly deprived area. In addition, the proposed closure of nearby Cricklewood library would mean that Dollis Hill residents' library provision had been especially impacted upon and he asked that there be a reconsideration of the proposed closures of Neasden and Cricklewood libraries. Councillor Lorber maintained that the library operated by Camden council the opposite side of the road from South Kilburn library was more frequently used by local residents as it had better facilities and was easier to access. In view of this, he felt that arrangements should be made to facilitate Brent South Kilburn residents to use the Camden library. Councillor Lorber commented that the council's press release on the proposed library closures had cited lack of use as a reason for proposed closure and there was no mention of deprivation being a factor.

In reference to the Preston Community Library application, the Chair felt that clarification needed to be ascertained as to whether the applicant's request for information was being dealt with in the most appropriate way. He felt that Preston Community Library's proposals were worthy of further consideration as it would save the closure of a library whilst also appearing to save the council money.

In reply to the issues raised, Councillor Powney (Lead Member for Environment, Planning and Culture) explained that it was difficult to give an exact timescale for the implementation of the measures listed in section 4.5 of the Executive report as it was complicated by a number of issues such as giving due notice, however officers would be working on the details of implementing them over the coming period. He stated that the council was keenly aware of the issues concerning study space, however the recommendations had taken these into account. Councillor Powney advised the committee that a delay in implementing the proposals would compromise the savings necessary and impact upon the council's budget, whilst also delaying the benefits the proposals would bring. In respect of the Preston Community Library application, Members heard that it lacked details of a budget to finance the proposals and had not taken into account important factors such as building liability and security, insurance, book stock, IT issues and other running costs such as utility bills and repairs. The committee heard that Preston library was owned by the council and that if it was to hand over the building to another organisation at no cost, then this would represent the loss of a council property asset. None of the options put forward by the various organisations had met the condition agreed by the Executive in November 2010 that any such proposals were to be at no cost to the council.

Councillor Powney confirmed that all schools had been consulted and he referred to section 7.6 in the report which included details of the class visit surveys undertaken, whilst meetings had taken place with schools' literacy co-ordinators concerning the proposals. As well as responding to questionnaires, views could also be expressed by e-mail, letters and at public meetings. Councillor Powney added that there had been significant publicity of the proposals in the national and international press, as well as local papers and Brent Magazine. In respect of South Kilburn library, Members heard that there was a large concentration of residents in Kilburn who were either over 60 years or under 19 year of age or with disabilities, and in addition to the comparatively high levels of deprivation in the area, these were thought important considerations to keep the library open. Camden council was also reviewing its library service so there could be no guarantee that its library in

South Kilburn would necessarily remain open in future. It was noted that Camden council had been approached with regard to joint working on libraries, however they had indicated that they were not interested in taking this idea any further at this moment. Councillor Powney acknowledged that there were also areas of high deprivation in the Neasden and Stonebridge areas and an enhanced outreach library service was being considered for these areas. Residents in these areas could also access libraries relatively easily through public transport, such as the number of bus routes via the A5 and the tube station at Neasden. Councillor Powney advised that there needed to be a more effective way in reaching out to the wider community to have access to library facilities and it was felt that the best way to achieve this was to concentrate on improving facilities at the six most viable libraries. The alternative of keeping all libraries open would entail inferior IT facilities, fewer books and less opening hours, which went directly against what residents had said they wanted in the consultation. Whilst the views obtained in the consultation were important considerations, any decision also needed to be weighed against other factors such as value for money, quality of provision of service and the very serious budget pressures the council faced. In addition, it was difficult to get non-library users to respond to the consultation, whilst it was inevitable that consultation responses would be higher for those libraries proposed for closure.

Sarah Tanburn (Assistant Director – Neighbourhood Services, Environment and Neighbourhoods Services) advised that discussions on rates of pay for staff were needed with regard to working on Saturdays and Sundays and whether there should be a local agreement. This issue would not affect the implementation of the proposals, but the financial implications needed to be further considered, including whether some staff would be entitled to apply for voluntary redundancy. Members heard that provision of study space for students over the summer was a high priority. Sarah Tanburn confirmed that a formal letter and questionnaire was e-mailed to the headteachers and heads of literacy at each school, in addition follow-up meetings with heads of literacy to discuss the proposals were also arranged. It was felt that this had given schools ample opportunity to express their views and so it could be assumed that those who had wanted to respond to the consultation had done so. Sarah Tanburn advised Members that the questionnaires focused on seeking views of the impact of the proposed library closures and she agreed to provide this information to Councillor Lorber,

Fiona Ledden (Director of Legal and Procurement Department) confirmed that there was evidential information that the heads of literacy of each school in Brent were e-mailed the consultation documents concerning the proposals and every effort was made to ensure the consultation was carried out in line with legislation. She explained that the council receives a huge number of requests for information and stated that consideration as to whether treating the Preston Community Library's information request as a Freedom of Information request and the council's response to it would be undertaken and the conclusions communicated to Members of the committee.

Members decided not to agree with the Chair's suggestions that in view of the schools who had indicated that they had not received any consultation documents, that all schools be re-consulted and to review the proposals being put forward accordingly and that considering the proportionally high number of visitors to Neasden library and the future lack of nearby library facilities for Dollis Hill

residents, that the proposed closure of Neasden library be re-considered. All recommendations put forward by the Brent Youth Parliament, Jacqueline Bunce-Linsell, David Butcher and Linda Green were put to the vote through the Chair, and none were agreed save a recommendation from Brent Youth Parliament that the Executive be requested to ensure that the existing libraries or suitable alternative local premises continue to be available for young people throughout the 2011 exam period. Members decided not to agree to the suggestions put forward by Councillor H B Patel that the Executive be requested to consider how to support community and other groups in running their library services locally by providing sufficient time for business plans to be developed and to consider possible efficiency savings and the use of the Council's financial reserves to enable further library service delivery.

RESOLVED:-

- (i) that upon considering the report from the Director of Environment and Neighbourhoods, the decisions made by the Executive be noted; and
- (ii) that the Executive be requested to ensure that the existing libraries or suitable alternative local premises continue to be available for young people throughout the 2011 exam period.

5. The Executive list of decisions for the meeting that took place on 11 April 2011

RESOLVED:-

that the Executive list of decisions for the meeting that took place on Monday, 11 April 2011 be noted.

6. Date of next meeting

It was noted that the date of the next meeting of the Call In Overview and Scrutiny Committee would be determined at the Annual Council meeting on 11 May 2011 and would subsequently take place in the event of there being any call in of decisions from the Executive meeting provisionally due to take place on 23 May 2011.

7. Any other urgent business

None.

The meeting closed at 10.30 pm

A CASTLE
Chair



**Executive
23 May 2011**

Report from the Director of Children and Families

Wards Affected:
ALL

Review of short break residential provision for children with disabilities in Brent

1.0 Summary

1.1 This report proposes a restructure of the residential short break services currently provided at Crawford Avenue and Clement Close units. The proposals are in line with the longer term strategy for reducing residential provision and increasing more flexible options for families for short breaks which are community based. This is being achieved through promoting the take up of direct payments and working in partnership with families and providers to develop skills and increase community provision. The move to direct payments is reflected nationally and is central to the Council's Aiming High Joint Commissioning Strategy. The eligibility criteria for the provision of short breaks has been reviewed in consultation with parents and remains unchanged. If it is not possible to provide the assessed level of short breaks provision through Brent's in house residential provision, alternative short break arrangements will be made.

2.0 Recommendations

That Members agree;

- 2.1** To cease to provide short breaks for children with disabilities at 24 Crawford Avenue short break unit from 1st October 2011.
- 2.2** To restructure the staffing arrangements at Clement Close and Crawford Avenue in order to deliver an effective service at Clement Close to meet the full range of children's needs.

3.0 Detail

3.1 Brent currently manages two registered short break (respite care) centres for disabled children at 24 Crawford Avenue and 1 Clement Close. Both units have the capacity to provide overnight and day care for up to 5 severely disabled

children however in practice, each unit normally accommodates between 3-4 children per session.

- 3.2 Crawford Avenue unit is located in Wembley in a large residential property leased from Barnardos at an annual rent of £32,250. This unit caters for children with severe behaviour difficulties including children on the autistic spectrum. This unit has a higher staff establishment than Clement Close and offers short break care to 67 children of whom 44 receive overnight stays. The building is not fit for purpose and due to its age and condition is expensive to maintain. There is no lift in the property and it is therefore not able to accommodate children with mobility difficulties. Some recent improvements have been made to the garden following recommendations from OFSTED.
- 3.3 Clement Close unit is located in Willesden on a residential estate and is owned by the council. The unit currently caters for children with significant health and physical disabilities. The unit currently provides support to 16 children of whom 15 receive overnight and 1 child receives just day and after school care. Included in this data is one child who is currently placed at the unit as a short term placement whilst a search is being undertaken for a permanent foster home placement and another child who currently receives Court directed weekly weekend care. A search is in progress to find alternative carers for these children. The property although not ideal is fully accessible to disabled children and was improved last year through a Youth Opportunity Fund grant with a sensory room and garden play equipment.
- 3.4 Both units require considerable maintenance to ensure that they are able to continue to meet children's home regulations and provide a safe and suitable environment to severely disabled children. A decision was made by the Executive on 12th April 2010 to improve and develop the service through relocating both units into one new Short Break Centre. This is to be built on the Grove Park/ Hay Lane site and is included in the new Village school development programme.
- 3.5 The new Short break provision at the Village school is due to be completed by the summer of 2012 subject to any changes at the tender stage. It is planned that the new unit would be registered and open for admissions by December 2012. The new centre will offer a state of the art facility for disabled children in Brent. Options as to the management and commissioning of the new unit have yet to be finalised and could involve partnership with other local authorities through the West London Alliance. The transfer of the current service to the new centre will require consultation with staff and parents. A new staffing structure will also be required to take advantage of the new facilities and to be able offer a more community "outreach approach" to short breaks with a greater emphasis on child centred day care and after school breaks. It is planned that the new unit located on the Village school site will be able to provide overnight care for between 6-8 children and be able to offer a service to children with all types of need. There will be 4 places available for short breaks for Brent children and the remaining places would be available to other local authorities who would be charged for this service.

- 3.6 The recommendation to reconfigure the current short break provision and provide a service from one base is in keeping with the long term plans for the service and the national drive for the more efficient use of resources through increased use of personal budgets and a reduction in the use of residential care. Personal budgets will allow parents the ability to manage their own care packages which may include overnight provision. Officers will be considering guidance from the Department of Education based on the outcome of several children's services personalisation projects that are being piloted nationally and will then be working closely with parents to develop an appropriate model in Brent.
- 3.7 A review of services, including short break services was carried out as a result of the Government's spending review which reduced local authority funding. The proposal to close Crawford Avenue was made in order to protect and increase alternative more cost efficient short break services and was in keeping with the Council's long term strategy to reduce residential provisions by offering more community based alternatives.
- 3.8 Many local authorities do not provide their own residential short break services and nationally there is a drive to increase personal budgets (direct payments) and reduce the time that children spend in residential care away from their families and communities. Under the recommended proposals the Council will still retain an in house residential option at Clement Close which will continue to provide overnight care for the majority of the most vulnerable of the client group. Furthermore, having regard to the costs of maintaining Crawford Avenue, shortcomings in its sustainability and the longer term plans to transfer all the respite provision from both Crawford Avenue and eventually Clement Close, the proposal to close Crawford Avenue is a cost efficient option and consistent with the wider policy objectives.
- 3.9 Alternative cost saving options could include revised criteria for services such that fewer families would receive a service, and the nature of the service would be more limited. Such steps would affect more families and would be more likely to have an adverse impact upon them. Such options could increase the demand for out of borough residential schools and permanent placements. This is neither cost effective, nor in the interests of children and their families.
- 3.10 Clement Close is not currently designed to accommodate children with challenging behaviour. Some adaptations will therefore be necessary as well as a training programme for staff to ensure that all staff are able to support and care for both groups of children. The unit will also need to have a revised statement of purpose as it is subject to Children Homes regulations and inspections. A Health and Safety risk assessment has been carried out by the Council's Health and Safety Officer and requirements have been identified that will cost an estimated £50,000.
- 3.11 The number of children using the Clement Close unit has been declining as many parents prefer the more flexible option of obtaining short breaks through the use of direct payments. These are payments made directly to families to purchase their own care and support. There has not been a corresponding

decline in the demand for places at Crawford Avenue for children with significant challenging behaviour although there has been a reduction in the number of parents requesting overnight care, preferring day care support. The consistent demand is because there are a limited number of providers and carers with the appropriate skills and training, available to parents of children with challenging needs, in the community. There is however an indication that the market is beginning to grow to meet these needs. Brent has been supporting this growth through its Aiming High programme and by actively engaging with providers.

- 3.12 There are currently 105 families receiving direct payments in Brent which represents an 80% increase over the last three years. It is anticipated that the take up of direct payments and the move towards personal budgets for families will further reduce the demand for overnight short breaks in residential units for the majority of children. There, however, will always be a small group of children who will require such residential breaks.
- 3.13 Further growth in the direct payment budgets was considered as part of the 2011/12 budget setting process and the Service benefited from growth of £300k which will be used to meet the growing demand for direct payments.
- 3.14 Brent is one of a declining number of local authorities that still manage their own residential provision. In other authorities when overnight provision is required this is either provided through commissioned placements in residential units, foster homes or by direct payments to families where they can purchase their own overnight care.

Impact of the proposal

- 3.15 It is not safe or practical to mix children with severe physical disabilities many of whom are wheelchair users in the same building and space as more boisterous children with challenging behaviour. In the planned new building on the Village school site, separate play and sleeping areas have been designed to manage this. The only safe way that this can be managed in Clement Close will be to offer separate sessions. It is proposed at this point to offer alternative weeks to each group of children. The final arrangements of how the children will be safely managed in one unit will be agreed after consultation with staff and parents as part of the managing change process, following Members' decision on these proposals.
- 3.16 With the implementation of these proposals there will be an overall decrease in the hours available for in house short break care of approximately 25-30%. Clement Close will be able to increase its occupancy through an increase in staffing levels which will enable the unit to offer overnight care to 4 children every night. The children who currently receive overnight care will be given priority over children who currently only receive day care. This will mean that the main reduction in in-house respite care will be for children receiving day and after school provision. These families will, however, be provided with alternative short break arrangements through an increase in direct payments, enabling them to directly commission support from private and voluntary groups or by domiciliary care at home. Where it is not possible to provide overnight

stays and where such provision is assessed as necessary, an alternate overnight placement out of borough will be sought. These situations are unpredictable but may result in additional cost to the local authority.

- 3.17 Parents are offered a number of hours of short breaks at the unit which is dependant on their needs which is identified through an assessment. Families are normally offered 472 hours if they are assessed as requiring overnight stays, which is equivalent to 28 nights each year. For families requiring day care breaks there is normally an allocation of 260hrs which is equivalent to 5 hrs per week. The actual booking of the breaks is then agreed between the unit manager and the parent and is dependant on the capacity of the unit, needs of the child, the time that the parent wants and the age and ability of other children booked in during that period.
- 3.18 Although there may be a loss of flexibility for some families, all families will be offered alternative short breaks provision based on their allocation of hours. This would be provided through direct payments or care at home. Where parents who have been assessed for overnight short breaks do not wish to take up these alternative options other overnight options such as foster care or out of borough resources will be considered.
- 3.19 Both units are currently able to take children in an emergency however this will not be possible when the service is provided from Clement Close as a child with physical disability could not be accommodated safely if the emergency happened in a challenging behaviour week. In this event provision would need to be made through the Commissioning team for an emergency placement with a foster carer or in an out of borough residential resource. Similarly there have been times when children have had to be accommodated for an interim period as is the current situation at Clement Close due to a family emergency. In these situations an alternative provision will have to be commissioned at additional cost to the local authority.

Consultation with service users

- 3.20 A targeted consultation was carried out between 3rd March and 8th April 2011 with
- families who currently use the service
 - families who would be eligible i.e. had a child with a disability that following an assessment would be eligible to take up this option (approximately 400 families)
 - organisations and stakeholders who work with families and children with disabilities in Brent.
- 3.21 These families and organisations were individually sent letters and questionnaires and invited to return them or complete an on line consultation questionnaire on the Councils' web site. A choice of three meetings with senior managers was offered to current users of the service and an open morning to view Clement Close was arranged during this period. In total 10 families attended these sessions.

3.22 There were 16 responses from parents and carers and 24 responses from service users who would be eligible to use the service. The analysis is attached as Appendix 2. There was a 19% response rate from parents and carers who currently use the service and a 6% response for the potential service users. Those families who responded had the following concerns:-

- a) the mixing of the different groups of children
- b) the ability of their child because of the nature of their disability to cope with the change and then to have to move again the following year to another new building.
- c) the loss of flexibility of provision and reduction in hours available at Council residential respite units
- d) did not think that they would be offered emergency care if required
- e) Clement Close would not be suitable for the needs of children with challenging behaviour as it is too small
- f) did not think that alternative provisions will meet their family's need i.e. because of poor experience of care packages, preference for their child to be cared for in a residential setting rather than with carers in their own home, lack of trained carers in the community.

A Summary of the consultation responses can be found in Appendix 2a and 2b

3.23 Mitigation of concerns

- a) It had never been the intention to allow the different groups of children to be offered a service at the same time. This is referred to in the report and was explained in the information given to parents and at the consultation meetings. Children would be offered a place when there is peer group suitability i.e. children with physical health needs and mobility difficulties would not be offered a session with children with more complex behavioural challenges.
- b) It is appreciated that any move for a disabled child could pose challenges, however, staff are sensitive to the needs of the children and will work at the individual child's pace with planned introductions and careful monitoring.
- c) There should not be any loss of short break hours as alternative provision would be provided to meet a family's assessed allocated hours. In order to ensure the careful matching of a child during its stay with a peer group and meet the needs of the family there will inevitably need to be some negotiation around times and flexibility. The only fully flexible option for parents are direct payments when parents are in control of when and where they have their break.
- d) Emergency care would still be provided but it may not be possible within the unit.
- e) Clement Close is a smaller unit with less garden space, however the unit has its mini bus and is close to parks and Willesden Green leisure centre. Staff would make better use of community facilities and outside spaces to compensate for the more limited accommodation.

- f) Support will be given to parents if they choose alternative provision whether this is through direct payments or care at home. The local authority use a number of care providers and have quality standards and will attempt to assist, negotiate and/or resolve problems with care providers and or change providers if families are dissatisfied. Officers are currently working with providers to support the training and recruitment of carers. There will, however, always be a small number of parents whose preference is for a residential unit and in exceptional cases based on assessed needs alternative residential short break provisions will continue to be commissioned.

4.0 Financial Implications

- 4.1 The proposed savings from this proposal are £190K in 2011/12 and full-year savings of £327K in 2012/13. The savings will arise from staffing reductions of approximately 8 full-time equivalent posts. These savings form an important element of the total savings planned by Children and Families to meet its departmental budget set for 2011/12 and should they not be realised then other compensating savings would need to be identified to stay within that budgetary limit. There will potentially be redundancy costs incurred which would need to be accurately assessed during the staff restructuring process. These costs will be borne by the service. In addition there is a risk of additional costs if in an exceptional emergency situation a child who previously would have been offered an emergency bed in one of the units would have to be placed in an out of borough provision .
- 4.2 The savings identified in paragraph 4.1 are revenue savings and will arise from the reduction in staff. There will be other non-staffing savings in relation to the rent but these have been factored into the financial plan set out in the Executive report for developing the new unit at the Village School site and cannot therefore be counted as savings contributing to the Department's savings for 2011/12.
- 4.3 As set out in paragraph 3.10 adaptations to Clement Close will be required to meet health and safety requirements. The costs are estimated as £50,000 and will need to be met from existing capital budgets.

5.0 Legal Implications

The Children Act 1989

- 5.1 Section 17 of the Children Act 1989 provides that the Local Authority has a general duty to safeguard and promote the welfare of "children in need" in their area. A child shall be taken to be a "child in need" if he/she is disabled. The duty is to provide an appropriate level and range of services for "children in need". Assessment must be undertaken, and eligibility criteria can be used to determine provision of service. Services under S17 may include cash and accommodation.

- 5.2 Paragraph 6 of Schedule 2 to the Children Act 1989 imposes a duty on the Local Authority, as part of the range of services they provide for families, to provide breaks from caring to assist parents and others who provide care for disabled children.
- 5.3 The Breaks for Carers of Disabled Children Regulations 2010 came into effect on 1st April 2011. These regulations provide that in the performance of the duty under the Act the Local Authority must have regard to the needs of the carers who would be unable to continue to provide care unless breaks were given and the needs of carers who would be able to care for their disabled children more effectively if breaks were given to enable them to undertake training, education or leisure activities, carry out day to day tasks and meet the needs of other children in the family. The Regulations provide that a Local Authority must so far as is reasonably practicable provide a range of day care, overnight care, and services available to assist carers.
- 5.4 By 1st October 2011 the Council is required to prepare and publish a short breaks services statement setting out the range of services, eligibility criteria and how the service is designed to meet the needs of carers in their area.
- 5.5 The proposals set out in the report are consistent with the Council's powers and duties set out in the Children Act 1989 and the Regulations.

The Equalities Act 2010

- 5.6 The decision to be made by members in relation to the services to be provided to children and families under the Children Act 1989 involves the exercise of the Council's functions and accordingly the Council is required to comply with the duties set out in the Equality Act 2010.
- 5.7 Members must know and understand the legal duties in relation to the public sector equality duty and consciously apply the law to the facts when considering and reaching decisions where equality issues arise.
- 5.8 Section 149 Equality Act 2010 introduces a new public sector equality duty which came into force on 5th April 2011. The duty placed upon the council is similar to that provided in earlier discrimination legislation but those persons in relation to whom the duty applies have been extended. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 5.9 A 'protected characteristic' is defined in the Act as
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;(including ethnic or national origins, colour or nationality)
 - religion or belief;

sex;
sexual orientation.

- 5.10 The previous public sector equalities duties only covered race, disability and gender.
- 5.11 Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.
- 5.12 The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities.
- 5.13 Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.
- 5.14 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 5.15 In addition to the Act, the Council should to have regard to any statutory Code of Practice issued by the Equality and Human Rights Commission. A new Code of Practice relating to the new public sector equality duty under the new Act has yet to be published. However the Equality and Human Rights Commission has published guidance on the new public sector equality duty. The advice set out to members in this report is consistent with the published advice.
- 5.16 The Council's duty under Section 149 of the Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions on the provision of services for children and families. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. Members must consider the effect that implementing the decision to close Crawford Avenue and provide other services for children and families will have in relation to equality before making a decision
- 5.17 There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the families who use or are eligible to use the service and other interest groups, and by gathering details and statistics on who uses the respite service and how the service is used. A consultation exercise has been undertaken in relation to the proposals and information about its impact on the families has been provided through this process. The service is one which by its nature directly affects those children with disabilities and their families. The potential equality impact of the proposed changes to short break respite service for children with challenging behaviour and disabilities has been assessed, and

that assessment is found at Appendix 1 and a summary of the position is set out in the paragraph in this report on Diversity Implications. A careful consideration of this assessment is one of the key ways in which members can show “due regard” to the relevant matters.

- 5.18 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect. The steps proposed to be taken are set out in the body of this report and in the attached equality impact assessment.
- 5.19 Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the functions relating to children and families). “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions. There must be a proper regard for the goals set out in s.149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important. The weight of these countervailing factors in the decision making process is a matter for members in the first instance.

6.0 Diversity Implications

- 6.1 An equality impact assessment was completed for service users and the views of current and eligible users of the service were sought by a range of consultation mechanisms.
- 6.2 The service at Crawford Avenue and Clement Close is specifically provided to meet the needs of children who have disabilities to offer short term respite care for them and their families. The units which are the subjects of this report have a diverse ethnic representation as over 70% of the children who currently receive a service from the units are from ethnic minority communities. There will be an impact on this client group by the closure of Crawford Avenue in that there will be less in house provision of residential short break respite care places by approximately 25-30%. However, there is no reduction in the number of hours respite provision made available to the service users, and where the reduced number of places in the units results in a shortfall of places alternative means of respite care such as direct payments to commission respite provision, care at home, foster care and in some circumstances residential placement in non council owned units will be provided. Children and Families will actively assist families in the identification of alternative respite arrangements.
- 6.3 It is recognised that the flexibility currently offered to families will be more difficult to achieve although this will be progressively improved with the development of personal budgets. The Council will therefore mitigate as far as possible the adverse impacts by offering families alternative provisions as detailed in the body of this report.

- 6.4 While members must have proper regard to the equalities duties – and on the facts of this matter particularly the need to eliminate discrimination, advance equality of opportunity and to give due regard to the steps to meet the needs of those with disabilities, members may also pay regard to countervailing factors including the current financial constraints on the Council. Savings are needed and the alternative service review options would have a greater impact on service users than those currently proposed. The proposals set out in this report are also consistent with national objectives and council objectives to move towards commissioning arrangements and community provision and the Council's plans to move towards a new residential unit at the Village school.
- 6.5 An Equality Impact Assessment will be completed for staff as part of the Council's managing organisational change procedures.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 As it is proposed to deliver the service from one building there will be a reduction in the management structures and need for ancillary staff. However as the service will be providing for two different cohorts of children additional care staff will be required to manage the more challenging children who may find a smaller unit more difficult to access. These children often require 1:1 support. The new combined service at Clement Close will require a restructuring of current staff, with new job descriptions to reflect these changes. It is likely that there will be a loss of 8 full time equivalent posts. This will be subject to consultation under the Council's managing organisational change procedures.

Background Papers (essential)


- i) Refer to the Hay Lane/ Grove Park Executive report – 12th April 2010
- ii) Equality Impact assessment
- iii) Aiming High Joint Commissioning Strategy 2009-2011

Contact Officers:

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Impact Needs/Requirement Assessment Completion Form Appendix 1

Department: Children and Families	Person Responsible: Marion Rodin
Service Area: Integrated team for Children with disabilities and SEN	Timescale for Equality Impact Assessment :
Date:20/2/2011	Completion date: 13/04/2011
Name of service/policy/procedure/project etc: Review of short break residential provision in Brent	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive Yes <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input type="checkbox"/> Found <input checked="" type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/> <input type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers <input checked="" type="checkbox"/> No <input type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input checked="" type="checkbox"/> <input type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual No <input checked="" type="checkbox"/> <input type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input checked="" type="checkbox"/> <input type="checkbox"/>
Consultation conducted Yes <input checked="" type="checkbox"/> <input type="checkbox"/>	
Person responsible for arranging the review: Marion Rodin	Person responsible for publishing results of Equality Impact Assessment: Marion Rodin
Person responsible for monitoring: George Riley	Date results due to be published and where: Council Web site
Signed: 	Date: 27 th April 2011

Impact Needs/Requirement Assessment Completion Form Appendix 1

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

The policy to be addressed is a review of the short break residential provisions for children with disabilities.

The proposals are to close Crawford Avenue short break unit and transfer services to its sister unit at Clement Close. The proposals will reduce the access to and frequency of short breaks provided for disabled children and their families in the two short break units.

Background

The authority currently manages two registered short break (respite care) centres for disabled children at 24 Crawford Avenue and 1 Clement Close. Both units have the capacity to provide overnight and day care sessions for up to 5 severely disabled children however in practice, each unit normally accommodate between 3-4 children per session.

Crawford Avenue unit is located in Wembley in a large residential property leased from Barnardos at an annual rent of £32,250. This unit caters for children with severe behaviour difficulties including children on the autistic spectrum. This unit has a higher staff establishment than Clement Close and offers short break care to 67 children of whom 43 receive overnight stays. The building is not fit for purpose and due to its age and condition is expensive to maintain. There is no lift in the property and is therefore not able to accommodate children with mobility difficulties.

Clement Close unit is located in Willesden on a residential estate and is owned by the council. The unit currently caters for children with significant health and physical disabilities. The unit currently provides support to 16 children of whom 15 receive overnight and two receive day and after school care. The property although not ideal is fully accessible to disabled children and was improved last year through a Youth Opportunity Fund grant with a sensory room and garden play equipment.

The average overnight stay for a child is 2 nights a month, allocated to parents as an annual 472 hours allocation which is then used at times suitable to the parent and the unit. Some families will only want day or after school care and would have a reduced allocation.

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

The aim of the proposals is to realise savings of £190k 2011/12 and £327,000 in 12/13 for the children with disability service as a whole to ensure that there is sufficient funding to enable other elements of the service to continue. This will allow growth and the expansion of alternative short breaks options for families e.g. Direct Payments and care in the home. As a result of the government autumn spending review which reduced funding to the Council an internal review of all expenditure in the service was carried out. A number of options were considered and priority given to retaining services that provided the most cost effective service and those that were the most highly valued by the majority of children with disabilities and their families i.e. holiday play scheme provision. One of the options considered was to restructure the way residential short break services are currently provided.

Brent's two short break units are not fit for purpose and require considerable maintenance to ensure that they are able to continue to meet children home regulations and provide a safe and suitable environment to severely disabled children. A decision was made in 2009 to relocate both units into one new short break Centre which is to be located on the Grove Park/ Hay Lane site as part of the new Village school development programme. This was supported by a capital grant from Aiming High programme for the last financial year 2010/11.

Impact Needs/Requirement Assessment Completion Form Appendix 1

The residential units are the most costly of all the council's short breaks services and this was why this service was identified for an early review. The council appreciated that this proposal would have an impact on the flexibility and amount of residential short breaks that could be provided for children and their families and took into consideration that

- Children with disabilities have different needs and required different types of care and support. E.g. children and young people who have autistic spectrum disorders and learning disabilities who currently use Crawford Avenue cannot safely use the same facilities at the same time as children who have physical disabilities and complex medical needs and as catered for in Clement Close.
- Some minor changes would be necessary to the building to accommodate both groups of children. The capacity of the new building would remain the same however occupancy rates will be increased.
- The staffing structure would need to be reconfigured and staff given extensive training so that the remaining unit could be fully staffed and be able to cater for both cohorts of children.

The short break centre building under construction on the Village school site in Kingsbury is due to be completed by the summer of 2012 subject to any changes at the tender stage and should be fully operational by December 2012. This proposal to close both units and provide a service from one base is in keeping with the long term plans for the service.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

The aims of the review are consistent with the Council's Equality Policy in that it is still the intention to offer a residential short break service in Brent. Families will continue to have a choice of short breaks and alternative non residential provisions will be expanded to meet the additional demands for those families who want this. Residential short break provision will be targeted to those most in need and would be consistent with the services eligibility criteria and the Council's equality policy. The eligibility criteria has recently been reviewed in consultation with parent carers and is sent to all parents who request an assessment. It is based on a matrix of need.

The local authority will continue to provide residential care under its Child Act 1989 duties for children and families in need.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The change in residential service provision for children with disabilities will have adverse effects. It is anticipated that there may be some loss in hours at the unit for some families who currently use the units. In order to mitigate these effects the local authority will work with families to minimise them by offering children and their families affected by the changes alternative short breaks options for example direct payments, care at home and overnight stays with approved foster families and for the most vulnerable overnight accommodation in out of borough provisions e. g hospices or residential schools with short breaks facilities. Residential out of borough provision is more costly but the local authority has a duty to provide accommodation when there are significant concerns about the welfare of a child. As many of the current users are single parent families consideration will be given through full assessment of needs of any specific impact brought about through a reduced overnight service at the unit.

It is not possible to determine the number of families who will be negatively impacted at this stage as individual consultation is necessary to determine whether alternative short breaks options will meet their needs.

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An analysis of the equality data for each unit is provided below.

4. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

The data used is collated by the residential units from information supplied by the parent and contained in the individual child's file held within the unit.

Ethnicity

Clement Close -the largest proportion of users Asian 35% , Black African 30%, other white 20%, Caribbean 10% , other 5%

Crawford Avenue the largest proportion of users are of an Asian 26%, 14% Caribbean, 19% Black African , 11% White British

Gender

Clement Close 55% male 45 % female

Crawford Avenue 70% male 30% female

Age All the young people receiving services are aged from 6yrs (1 child) to 19yrs (2)

Disability

Clement Close

There is no one diagnosis that predominate however 75% have learning disabilities /global development delay as their stated condition 40% of users have spastic quadriplegia, and 20% have cerebral palsy and 25% have some form of epilepsy

Crawford Avenue -the largest proportion of users are on the Autistic Spectrum 58% , the remainder have a number of different diagnosis and conditions including severe learning disability and Downs Syndrome

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

The proposals may effect the flexibility of service that is currently offered to families in that short break sessions will be limited to specific times when the unit will be able to accommodate the needs of their child as there will be designated sessions for each group of children as careful matching will need to take place .It is recognised that it would not be safe to offer the same session to physically frail children with those who have challenging behavioural needs.

Similarly it may not be possible to offer emergency care at the unit when this is required, the local authority however has a duty under the Children Act 1989 to provide emergency accommodation and would in such situations provide an alternative provision for example foster carers or an out of borough residential placement.

It is intended that the unit at Clement Close will be able to offer full overnight occupancy (4 bedrooms) which is a higher occupancy that is achieved currently. A limited historic budget has meant that both units have rarely been able to achieve fully occupancy on a regular basis. The average occupancy is around 70 % for Clement Close and 80% for Crawford. Crawford Avenue has been closed for 2 nights a week since November 2010 to reduce its budget overspends. The number of children who could be offered an overnight service in the future will depend on their care package, these will vary dependant

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on the assessed needs of the child and their family. Based on an average of 2 nights per month the unit at Clement Close if adequately staffed could offer 58 children an overnight service. Families will also be individually consulted with about using alternative short breaks services. This could include increased direct payments, care at home and breaks in family or for the most vulnerable other out of borough residential settings.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

A targeted consultation was carried out between 3rd March and 8th April with families who currently use the service and with families who would be eligible .i.e. had a child with a disability that following an assessment would be eligible to take up this option (approximately 400 families) and with organisations and stakeholders who work with families and children with disabilities. These families and organisations were individually sent letters and questionnaires and invited to return them or complete an on line consultation questionnaire on the Councils' web site. A choice of three meetings with senior managers was offered to current users of the service and an open morning to view Clement Close was arranged during this period. In total 10 families attended these sessions

To date there were 16 responses from parent and carers and 24 responses from service users who would be eligible to use the service. See attached analysis. This represented a 19% response rate for parent carers who currently use the service and 6% response from other stakeholders.

A full staff consultation will occur through the Council's managing change policy and a separate EIA will be produced to cover this.

8. Have you published the results of the consultation, if so where?

The results will be communicated to current users of the service by the individual units and the data analysis is now available on the Councils' consultation web site.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

There is public concern and media interest that the proposal will result in a reduction in choice and service for families with disabled children. The council has received letters from the two local Members of Parliament who had been approached by parents, several individual letters from parents and an article appeared in the local press Wembley and Kingsbury Times 24/02/11

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

The impact of the closure of Crawford Avenue can be justified in that there is a need to make financial savings in the order of £517,000 over the next two years in order to achieve a balanced budget and that there were already long term plans in place(Executive decision 12th April 2010) to move to one unit.

The proposal will mitigate the impact on the provision of residential short breaks for families by ensuring that there are alternative short breaks options for families. The council has increased its budget for 2011/12 for direct payments and care at home support

Care at home and Direct payments which are used by many more families than those who use the short break units. Direct payments are currently used by 105 families and are cash payments made available

Impact Needs/Requirement Assessment Completion Form Appendix 1

directly to parents following an assessment of needs. These can be used to purchase breaks which includes the employment of personal carers and other services. Care at Home are services provided directly by the Council by agency workers who support the parents in carrying out personal care and also provide short breaks .

11. If the impact cannot be justified, how do you intend to deal with it?

See above

12. What can be done to improve access to/take up of services?

The Council has introduced a new eligibility criteria and guidance to service which is sent out to all parents who wish to have a service; this is also available on the Council's web page www.Brent.gov.uk/disabilities and at information points around the borough. The Council's Disability teams have very close working relationships with the voluntary sector and community organisations and with internal council departments who provide also information and services to children with disabilities e.g. Brent Carers, Brent Mind, Asian Disabled People's Service, Child Development Service, SENAS ,Parent Partnership. The Council will continue to maintain these links which will ensure that "hard to reach" families will receive information and be signposted to the appropriate Council service.

13. What is the justification for taking these measures?

A review of services was carried out and alternative service reduction were considered however the closure of Crawford Avenue was considered the most cost efficient reduction and would effect numerically the least number of families as the majority could be offered alternative provisions. The effect of not closing the unit would be to make savings from current packages of care which will numerically affect more families and would not be consistent with their assessed needs.. With reduced support many more families would have had difficulties managing and would be more likely to suffer health and adverse effects which would increase the demand for out of borough residential schools and permanent care placements.

The Council is also aware that many local authorities do not provide their own residential short break services and that nationally there is a drive to increase personal budgets (direct payments) and reduce the time that children spend in residential care away from their families and communities.

The Council by the proposal will still retain a residential option for families which with increased and better trained staff and an effective and efficient management will continue to be able to provide overnight care for the most vulnerable families in Brent.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

The Council will closely monitor the use and take up of the changed provision at Clement Close quarterly through :-

- regular analysis of Data of the service users' i.e. category of disability , ethnicity, gender age, emergency usage
- individual care plan reviews
- regular parent meetings
- monitor of ethnicity data of take up and use of service

Impact Needs/Requirement Assessment Completion Form Appendix 1

15. What are your recommendations based on the conclusions and comments of this assessment?

To agree the proposal that Crawford Avenue short break unit is closed and its services are transferred to Clement Close

Should you:

1. Take any immediate action?
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research?

16. If equality objectives and targets need to be developed, please list them here.

Equality objectives and targets will be developed and analysed in relation to the take up of residential provision by ethnicity, age, gender and to identify any unmet needs that arise because of this recommendation.

17. What will your resource allocation for action comprise of?

No additional resources are identified

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:



Full name (in capitals please): Marion Rodin

Date: 27th April 2011

Service Area and position in the council:

Head of integrated Services for Children with Disability and SEN

Details of others involved in the assessment - auditing team/peer review:

George Riley, Nedra Saparamada, Maureen Donoher

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

APPENDIX 2 A

Review of short break residential provision (potential service users) Topline Summary as at 21 April 2011

1. Are you answering as an individual, a carer or parent of someone who currently receives services from Brent's Integrated Services for children with disability and SEN department, or answering on behalf of a group or organisation? (Tick one answer only)

Responses	count
A carer or parent of a disabled children or young person:	24
An individual with an interest in disability services in Brent:	0
Organisation:	0
Total Responded to this question:	24
Total who skipped this question:	0
Total:	24

2. Do you currently use a service provided or funded by Brent's Integrated Services for children with disability? (Tick all that apply)

Responses	count
Overnight stays:	1
Day care:	0
After school:	3
Play scheme i.e summer play schemes at Resources for Autism, Mencap, Summer University and others:	13
Short break domiciliary (care in the home):	2
Direct payment:	10
If other, please specify:	2
Total Responded to this question:	22
Total who skipped this question:	2
Total:	24

3. Do you have any comments you would like to make?

Total Responded to this question:	23
Total who skipped this question:	1
Total:	24

APPENDIX 2 B

Review of short break residential provision (service users) Topline Summary as at 18 April 2011

1. Which centre do you use? (Tick one)

Responses	Count
Crawford Avenue:	12
Clement Close:	4
Total Responded to this question:	16
Total who skipped this question:	0
Total:	16

Name of child or young person (you do not have to provide this):

Responses:	Count
Total Responded to this question:	12
Total who skipped this question:	4
Total:	16

2. Are you aware of the following schemes? (Tick one in each row)

Responses:	Yes	No
Direct payment scheme:	13	2
Short break domiciliary (care in the home) scheme:	8	8

3. Which service do you currently use? (Tick all that apply)

Responses:	Count
Overnight stays:	11
Day care:	9
After school:	5
Play scheme:	7
Short break domiciliary (care in the home):	2
Direct payment:	6
Other, please specify:	3
Total Responded to this question:	16
Total who skipped this question:	0
Total:	16

4. Of the services you currently use, which ones would you like to continue in its current form? (Tick all that apply)

Responses:	Count
Overnight stays:	12
Day care:	10
After school: Play scheme:	7 9
Short break domiciliary (care in the home):	2
Direct payment: Other - Holiday play scheme	5 1
Total Responded to this question:	16
Total who skipped this question:	0
Total:	16

5. Would you consider moving to a direct payment scheme as an alternative to using the short break unit and manage your own care support package? (Tick one)

Responses:	Count
Yes:	7
No:	9
Total Responded to this question:	16
Total who skipped this question:	0
Total:	16

6. If no, please tell us why you would not consider this:

Responses:	Count
Total Responded to this question:	9
Total who skipped this question:	7
Total:	16

7. Would you consider moving to a short break domiciliary (care in the home) service? (Tick one)

Responses:	Count
Yes:	5
No:	9
Total Responded to this question:	14
Total who skipped this question:	2
Total:	16

8. If no, please tell us why you would not consider this:

Responses:	Count
Total Responded to this question:	9
Total who skipped this question:	7
Total:	16

9. What support would your child need to adjust to the proposed changes?

Responses:	Count
Total Responded to this question:	10
Total who skipped this question:	6
Total:	16

10. What support would you need to manage the proposed changes?

Responses:	Count
Total Responded to this question:	13
Total who skipped this question:	3
Total:	16

11. Do you have any comments you would like to make?

Responses:	Count
Total Responded to this question:	11
Total who skipped this question:	5
Total:	16

**London Borough of Brent
Summary of Decisions taken by the Executive
on Monday, 23 May 2011**

PRESENT: Councillor John (Chair), Councillor Butt (Vice-Chair) and Councillors Arnold, Beswick, Jones, Long, J Moher, R Moher and Powney

ABSENT: Councillor Crane

ALSO PRESENT: Councillors Cheese, Gladbaum, Harrison, Lorber, Naheerathan and HB Patel

Agenda Item No	Item	Ward(s)	Decision
4.	Deputation - Restructuring short break residential provision in Brent for children with disabilities		Noted.
5.	Update on the implementation of the Libraries Transformation Project	All Wards;	Noted.
6.	Waste Strategy	All Wards;	(i) that the revised means of acquiring 12 waste collection vehicles, by way of hire instead of purchase, to be implemented by way of a variation to the main waste contract with Veolia, be noted; (ii) that the outcome of the procurement process for the supply and distribution of various household waste containers be noted; (iii) that the use (on the basis of 'urgency') of the Chief Executive's delegated powers to authorise the variation and award of contract described in paragraph (i) and (ii) be noted.
7.	Authority to award the contract for the provision of a managed service for the	All Wards;	(i) that approval be given to the award of the contract to Drake International for an initial period of three years with an option to extend for

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 23 May 2011 (continued)

Agenda Item No	Item	Ward(s)	Decision
	supply of staff services for Brent Transport Services (BTS)		a further one year, with an estimated contract value over the four year period of £7.6 million; (ii) that the BTS staff requirement be delivered through the contract described in paragraph (i) above, a departure from the standard Council procedure for the procurement of temporary staff.
8.	Authority to invite tenders for a framework agreement for the provision of cleaning services to Brent schools	All Wards;	(i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders as set out in paragraph 4.1 of the report from the Director of Children and Families; (ii) that approval be given to the invite of tenders and their evaluation in accordance with the approved evaluation criteria referred to in paragraph (i) above.
9.	Restructuring short break residential provision in Brent for children with disabilities	All Wards;	(i) that short breaks for children with disabilities cease to be provided at 24 Crawford Avenue short break unit from 1 October 2011; (ii) that staffing arrangements be restructured at Clement Close and Crawford Avenue in order to deliver an effective service at Clement Close to meet the full range of children’s needs.
10.	Authority to award a contract for the delivery of services at Stonebridge Adventure Playground and Special Educational Needs Afterschool Clubs in Brent	All Wards;	that approval be given to a contract for the delivery of services at Stonebridge Adventure Playground and SEN Afterschool Clubs in Brent to Brent Play Association for the period 1 June 2011 to 31 March 2012, such award being exempted from the normal requirements of Brent’s Contract Standing Orders in accordance with Contract Standing Order 84 (a) on the basis that there are good financial and operational reasons as set out in paragraph 3.7 of the report from the Director of Children and Families.
11.	Authority to award a support and maintenance contract	All Wards;	(i) that approval be given to award a support and maintenance contract in respect of framework to Corelogic Ltd for a term of five year with an optional two year extension from 1 June 2011;

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 23 May 2011 (continued)

Agenda Item No	Item	Ward(s)	Decision
			(ii) that approval be given to tenders not being invited in accordance with Contract Standing Order 86 (e) (i) for the reasons detailed in paragraph 3.7 of the report from the Director of Housing and Community Care.
12.	The East Lodge, Paddington Cemetery, 93 Willesden Lane	Queens Park;	(i) that the Assistant Director, Regeneration and Major Projects, (Property and Asset Management), be authorised to dispose of the property by way of auction on such terms that he considers appropriate, after all due regard to planning and architectural considerations, so as to ensure that the best price was received on sale and to instruct Legal Services in the matter of the disposal; (ii) that the Assistant Director, Regeneration and Major Projects, (Property and Asset Management) be authorised to commence and comply with the procedure, as set out in Section 123(2A) of the Local Government Act 1972 (LGA 1972), of the council's intention to dispose of the public open space comprising the East Lodge and the land within its curtilage.
13.	Proposed Park Royal Partnership Business Improvement District	All Wards;	(i) that it be noted that an 'industrial' Business Improvement District (BID) was being proposed in the Park Royal area across three boroughs: Brent, Ealing and Hammersmith and Fulham; (ii) that authority be delegated to the Director of Regeneration and Major Projects, in consultation with the Director of Finance and Corporate Services, to decide whether to approve the Park Royal Partnership BID proposals and business plan such that a ballot will be held; (iii) that it be noted that Park Royal Partnership has asked the three councils to run BID ballots on 30 June 2011 and that the cost of running the ballot to be funded by the three Local Authorities, is estimated to be less than £3,000 in total; (iv) that it be noted that the three ballots would be run by Ealing and

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 23 May 2011 (continued)

Agenda Item No	Item	Ward(s)	Decision
			<p>that the council's Returning Officer proposes to appoint Ealing to undertake the ballot on behalf of the Council;</p> <p>(v) that authority to veto be delegated to the Director of Regeneration and Major Projects, in consultation with the Director of Finance and Corporate Services in respect of the ballot including the authority to exercise such power should those officers consider such action appropriate;</p> <p>(vi) that the Head of Revenue and Benefits be authorised to establish and administer the BID revenue account and to provide for the introduction, administration, recovery and application of the BID levy in accordance with the BID Regulations in the event that the Park Royal BID successfully proceeds at ballot.</p> <p>(vii) that authority be delegated to the Director of Regeneration and Major Projects in consultation with the Director of Finance and Corporate Services to complete any necessary legal agreements and other arrangements required for the operation of the BID Levy, BID ballot and service arrangements including the Baseline and Operating Agreements with the newly formed BID company should the ballot be successful in June.</p>
14.	Development of SEN Provision at Hay Lane and Grove Park Sites -The Village School including award of Design and Build contract	Queensbury;	that the Design and Build Contract for the main works for The Village School be awarded to JB Leadbitter & Co Ltd, trading as Leadbitters, in the sum of £18,856,721.00.
15.	Authority to award contract for supply of energy (Gas and Electricity) to the council	All Wards;	<p>that, subject to the formal award of the Laser Framework and the Director of Legal and Procurement subsequently confirming that participation in the Laser Framework was legally permissible:</p> <p>(i) authority be delegated to the Director of Finance and Corporate</p>

London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 23 May 2011 (continued)

Agenda Item No	Item	Ward(s)	Decision																		
			Services to award a call-off contract from the Laser Framework for the Supply of Gas via flexible procurement to Total Gas and Power Limited and Kent County Council for 4 years from 1 October 2012; (ii) authority be delegated to the Director of Finance and Corporate Services to award a call-off contract from the Laser Framework for the Supply of Electricity via flexible procurement to NPower Limited and Kent County Council for 4 years from 1 October 2012.																		
16.	Applications for Discretionary Rate Relief	All Wards;	that approval be given to the discretionary rate relief applications in Appendices 2 and 3 of the report from the Director of Finance and Corporate Services.																		
17.	Any Other Urgent Business - appointments to committees		(i) that the following appointments to the Highways Committee be noted: <table border="0" data-bbox="1227 911 1727 1114"> <tr> <td>Member</td> <td>Alternate</td> </tr> <tr> <td>Beswick</td> <td>John</td> </tr> <tr> <td>Long</td> <td>Arnold</td> </tr> <tr> <td>Jones</td> <td>R Moher</td> </tr> <tr> <td>J Moher (C)</td> <td>Butt</td> </tr> <tr> <td>Powney (VC)</td> <td>Crane</td> </tr> </table> (ii) that approval be given to the following appointments: London Councils Grants Committee (Associated Joint Committee) <table border="0" data-bbox="1211 1321 1630 1417"> <tr> <td>Member</td> <td>Alternate</td> </tr> <tr> <td>John</td> <td>Jones</td> </tr> <tr> <td></td> <td>Butt</td> </tr> </table>	Member	Alternate	Beswick	John	Long	Arnold	Jones	R Moher	J Moher (C)	Butt	Powney (VC)	Crane	Member	Alternate	John	Jones		Butt
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London Borough of Brent – Summary of Decisions taken by the Executive on Monday, 23 May 2011 (continued)

Agenda Item No	Item	Ward(s)	Decision
			Al-Ebadi
18.	Reference of item considered by Call in Overview and Scrutiny Committee - 27 April 2011		Noted.