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| Decision maker: | Director for Children's Wellbeing |
| Decision date: | Friday 9 March 2018 |
| Title of report: | Equipment and adaptations, assessments and reviews for disabled children |
| Report by: | Childrens joint commissioning manager |

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To agree a medium-term approach to ensure the ongoing delivery of the professional assessments of equipment and adaptations needs for disabled children.

Assessments for equipment and adaptations for disabled children have, historically, been provided by Wye Valley NHS Trust (WVT) as part of services commissioned by Herefordshire Clinical Commissioning Group (CCG), However, it has been clarified that provision and funding of such work forms part of the council's duties regarding support for disabled children.

Recommendation(s)

That:

- (a) Wye Valley NHS Trust is commissioned to provide equipment and adaptations assessments for disabled children for three years to 31 March 2019 at a cost of no more than £53,000 per year;**

Alternative options

1. Tender or bring the service in-house. This option is not recommended at the current time. The function has been integrated with other paediatric therapy services within WVT as part of an historic arrangement. Paediatric therapy services were highlighted as an area requiring improvement by the 2016 SEND (special education needs and disabilities) joint inspection of Ofsted and the Care Quality Commission (CQC). The council, CCG, and WVT continue to work together to improve these services. The delivery of equipment and adaptations work, as described by this report, should therefore be maintained within this strategic approach, which aims to achieve seamlessness across a range of education, health and care services that disabled children may need.

Key considerations

2. Where the council is satisfied that a disabled child has a specific need, it has a duty to provide appropriate assistance, which can include the provision of specialist equipment or adaptations at their home or school. In order to satisfy itself that there is a specific need for equipment or adaptations for a child, the council has, historically, relied upon a professional assessment by an occupational therapist (OT). The therapist is employed by Wye Valley NHS Trust (WVT) within a wider occupational therapy service commissioned by the Herefordshire Clinical Commissioning Group. However, a review of the relevant legislation has clarified the council's responsibilities in providing, and therefore funding, assessment work for equipment and adaptations.
3. WVT sought £90k from the council for equipment and adaptations assessment work in 2016/17, which was challenged by the council on the basis that there had been no prior agreement or contract arrangement for this level of resource. The council and WVT have been working together to understand the level and value of equipment and adaptations assessment work delivered for 2016/17, the current year, and expectations for 2018/19.
4. Both organisations have acknowledged that the available management information for the paediatric OT service has not been as comprehensive as would normally be useful, however this situation is now improving. According to the service data, the amount of time spent on children's equipment and adaptations work appears to equate to around 25% of all paediatric OT activity. Furthermore, a historic backlog of cases and high waiting times have required the support of a full-time therapist for the two years to March 2018.
5. The wider WVT paediatric OT service has experienced unacceptable waiting times over a prolonged period, which was highlighted by the 2016 SEND inspection by Ofsted and the CQC. The service has made a range of operational improvements in the 12 months to September 2017, which have delivered a reduction in the number of children waiting for equipment and adaptations work (Chart 1). In the same period, there has also been a reduction in the length of the longest waiting time (Chart 2) from 15 months to 4 months.

Chart 1: Number of Children waiting for equipment & adaptations work

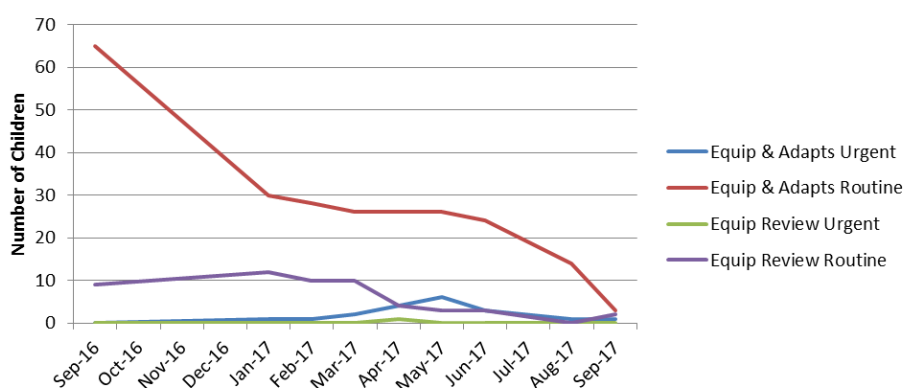
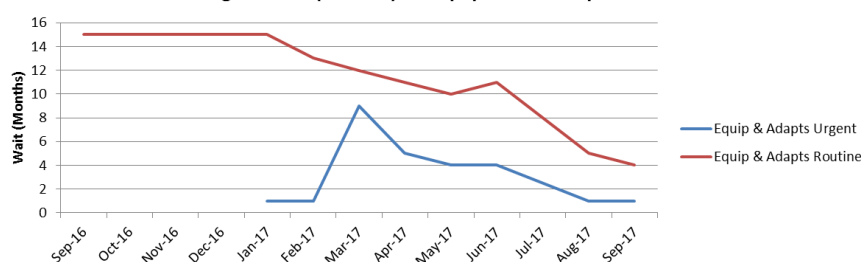


Chart 2: Longest waits (months) for equipment & adaptations assessment



6. In the short-term, there is sufficient demand and further service improvement work required to occupy a full-time equivalent therapist for equipment and adaptations work. Further work will be undertaken in 2018/19 to review the referral pathways and population-level needs in order to plan service provision in the long term.
7. In the long-term, there is an opportunity for the council to pool resources, through a Section 75 agreement, with the CCG to jointly commission paediatric therapies, with the CCG acting as the lead commissioner. For 2018/19 however, it is intended that the council will contract directly with WVT for equipment and adaptations work, which will enable time for the long-term demand forecasting and service redesign work to be completed.

Community impact

8. The equipment and adaptations work supports the aim of the current Children and Young People's Plan for all children and young people in Herefordshire to have the best start in life and grow up healthy and happy in a safe and supportive family environment. In particular, the service supports the Children and Young People's Partnership's priority regarding children and young people with disabilities.
9. The recommendation supports Herefordshire's Health and Wellbeing Strategy's aim to keep children safe and give them the best start in life.
10. The recommendation also supports the council's Corporate Plan priorities of keeping children and young people safe and giving them a great start in life as well as securing better services, quality of life and value for money.

11. The recommendation supports the Herefordshire Safeguarding Children Board’s vision that children and young people in Herefordshire grow up in an environment in which their wellbeing needs are met and they are safe from harm.
12. Commissioning equipment and adaptations assessment work from WVT will assist the council in meeting its duties regarding disabled children, and will support the children themselves to live as normally as possible, at home, and with their peers at school.

Equality duty

13. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The public sector equality duty requires the Council to consider how it can positively contribute to the advancement of equality and good relations, and demonstrate that it is paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Contracts within the council’s children’s wellbeing directorate require providers to monitor and report on how they are meeting the equality duty.
 15. The recommendations will assist the council in supporting disabled children. Any break in service provision could have a significant impact on this protected group.

Resource implications

16. WVT had sought a contribution of £90k regarding equipment and adaptations work in 2016/17. However, this level has been negotiated to £53k based on the available evidence of service delivery, which has informed the resource requirements as follows:

| Year | Resource | Met by |
|--------------|-----------------|---------------------------|
| 2016/17 | £53,000 | Provision made in 2016/17 |
| 2017/18 | £53,000 | 2017/18 budget |
| 2018/19 | £53,000 | 2018/19 budget |
| Total | £159,000 | |

Legal implications

17. This report recommends commissioning a service which helps to meet the council’s statutory duties. There is a range of legislation that describe the duties of councils regarding disabled children, including the provision of appropriate equipment or adaptations. Specifically, the Chronically Sick and Disabled Persons Act (CSDPA) 1970 places a duty on councils to arrange for one or all of a wide range of services where they are satisfied that they are necessary to meet the needs of permanently disabled persons resident in their area. This includes "the provision of assistance for that person in

arranging for the carrying out of any works of adaptation in his/her home or the provision of any additional facilities designed to secure his/her greater safety, comfort or convenience". Furthermore, the Children Act 1989 places a duty on councils to safeguard the welfare of children within their area and to provide services designed to minimise the effect on disabled children within their area of their disabilities; to give such children the opportunity to lead lives which are as normal as possible.

18. There are no procurement legal implications arising from this report because the financial value of the services being awarded directly to the provider fall significantly below the threshold for tendering of social care services set out in the Public Contracts Regulations 2015. The council has a duty to secure best value in the discharge of all of its functions; best value is an ongoing assessment of considerations of price and quality and should be regularly tested through contract management and period re-procurement activity. This report recommends a three year contract term which appears proportionate with the council's best value duty.

Risk management

19.

| Risk / opportunity | Mitigation |
|---|---|
| Performance issues within the wider paediatric therapy services impact on equipment and adaptations work | Robust performance reporting and contract management |
| Direct contract award will not comply with Part 4 (clause 4.6.12), Section 6 (contract procedure rules) of the council's constitution | An exemption to contracts procedure rules will be approved by the solicitor to the council and the head of law and governance |

Consultees

20. None

Appendices

None

Background papers

None identified