
Minutes of the meeting of the People and Families Policy and Scrutiny Committee, held at 14:05 on Thursday, 06 April 2023 in the Council Chamber, County Hall, Chelmsford.

Present:

County Councillors:

Cllr Susan Barker

Cllr Jane Fleming

Cllr Marie Goldman

Cllr Ray Gooding (Chairman)

Cllr Ian Grundy

Cllr Carlo Guglielmi

Cllr Jeff Henry (substitute for Cllr Mark Durham)

Cllr June Lumley

Cllr Aidan McGurran

Cllr Jaymey McIvor (substitute for Cllr Laureen Shaw)

Cllr Ross Playle

Cllr Wendy Stamp

In attendance:

Emma Tombs, Democratic Services Manager

Paul Turner, Director Legal & Assurance

Graham Hughes, Senior Democratic Services Officer

Jasmine Langley, Democratic Services Officer

1 Membership, Apologies, Substitutions and Declarations of Interest

The report on Membership, Apologies, Substitutions and Declarations was received.

Apologies for absence had been received from Councillors Peter May, Laureen Shaw (for whom Councillor Jaymey McIvor attended as substitute), Mark Durham (for whom Councillor Jeff Henry attended as substitute) and Andy Wiles.

2 Questions from the public

There were none.

3 Call-in: Recommissioning of Short Breaks Provision for Children with Disabilities (FP/032/02/23)

The Committee considered report FP/032/02/23 comprising of a call-in of a proposed Cabinet Member Decision made on 21st March to Recommission the Short Breaks Provision for Children with Disabilities.

The following joined the meeting.

Presenting and supporting the call-in:

Councillor Mike Mackrory

Councillor David King
Councillor Marie Goldman (Member of the Committee)
Gary Knowles, founder of 'Save our Respite' Group
Lorraine Woodhouse, member of 'Save our Respite' Group
Cllr Dan Land (via Zoom) – local member also supporting the concerns raised in the call-in.

Responding to the call-in:

Cllr Beverley Egan Cabinet Member Children's Services and Early Years
Cllr Mark Platt – Deputy Cabinet Member Children's Services and Early Years
Clare Burrell, Head of Strategic Commissioning and Policy
Gaye Cole, Director Local Delivery

The reasons for the call-in

On 24 March 2023, the decision was called-in by Councillor Mike Mackrory with the support of Councillors Marie Goldman, David King, and Stephen Robinson.

At the invitation of the Chairman, Councillor Mackrory outlined his reasons for the call-in:

- That Lavender House provided the precise care that was required by its users at a location that was reasonably convenient for families who lived in the north of the County. The Maples centre in Harlow, which was proposed as an alternative was not deemed the same and was approximately 40 miles and a one-hour drive away on the other side of the county.
- Councillor Mackrory deemed it unacceptable for the users to be expected to travel the distance for a similar provision, especially for parents who have other childcare and / or work commitments. Councillor Mackrory stated that it would be unviable to expect children with complex needs to travel by taxi or school bus.
- Councillor Mackrory referenced the Cabinet Decision Paper, paragraph 3.5 in particular, and that 5 of the 6 identified alternative providers listed were outside of Essex, in Bury St Edmunds, Sudbury and Hertfordshire.
- That the alternative provisions outlined, particularly foster care and home-based care were different to the care provided at Lavender House.
- Councillor Mackrory referenced the Supplementary Information provided in Appendix C by the Cabinet Member and Lead Officer in response to the call-in which outlined older children transitioning to an adult provision. Councillor Mackrory stated that this did not address the number of younger children potentially entering the service in the future and who could need access to the specialist care provided by Lavender House.
- Councillor Mackrory outlined the concern he had regarding the affect the closure would have on the users of the service as they grew older and the impact that would have on the children's and parents' health. He stated there was concern that parents would be unable to cope without the specialist respite breaks and that due to this, some children would inevitably have to go into full time care, which he wished to avoid, and which would also be a cost to the authority in the future.

- Councillor Mackrory asked that the decision was referred to Full Council for further consideration.

Mr Gary Knowles was called as a supporting witness and gave a statement outlining the issues facing some families and the importance of the service to all families who access it.

Lorraine Woodhouse was called as a supporting witness and gave a statement about the day-to-day pressures she faced and how the Lavender House service had provided support for her and her family.

Councillor Land was called as the local member for the area in which Lavender House operated and gave a statement supporting the families' comments.

At the invitation of the Chairman Councillor King outlined his reasons for supporting the call-in some of which had already been stated and he also stressed:

- That he believed that by allowing the closure of Lavender House the Council would be falling short of its responsibilities to families using the service.
- That emotional, practical, and financial implications of the decision had not been fully assessed.
- That families in the North and East of Essex would be the most impacted from the closure.
- That Lavender House should be available to meet latent and known demand.

Cabinet Member response to the call-in

Thereafter, at the request of the Chairman, Councillor Beverley Egan, Cabinet Member for Children Services and Early Years, responded to the issues raised in the call-in notice with support from the following:

- Councillor Mark Platt – Deputy Cabinet Member, Children's Services and Early Years
- Gaye Cole, Director of Local Delivery
- Clare Burrell, Head of Strategic Commissioning and Policy

The following key points were made in response to the call-in:

- The decision had been considered over several years and points raised by the call-in had been addressed in the decision papers.
- That the decision was not to stop the provision of overnight respite care.
- ECC had engaged with external providers and that, whilst some of the alternative provision identified was outside of the County, it was often closer to North Essex residents than other provisions in Essex. It was suggested that there may be more external provision in the north of the county than in the west.

- Further work had been done regarding specialist foster carers and other alternative opportunities for respite care. ECC had grown the number of overnights available with foster carers and it was suggested that for a lot of children a home-based setting worked better for them.
- That the Equalities Comprehensive Impact Assessment had taken into consideration the points raised by the call-in.
- That the service would continue to consider each family's circumstances to ensure that every child's needs were met.
- That the decision to consolidate all internal provision of overnight respite with external provider provision and specialist foster carers and to increase the number of direct payments families can access, would all together meet the estimated future demand.

Issues raised by and discussed with the Committee

During subsequent discussion, the following clarifications were given and/or points acknowledged and noted:

- Councillor Goldman, who had supported the call-in, referenced page 10 of the agenda pack, paragraph 3.6, page 15 - paragraph 3.30, page 20 - paragraph 5.8, page 22 – paragraph 6.1.2 and asked how those statements referencing financial implications, were compatible with Councillor Egan's statement at the Cabinet Meeting on 21st March 2023 that the decision was not a financial led decision.
- Councillor Egan stated that there were savings of £54k per year from the decision, which would be invested back into the service. It was stressed that the decision was about ensuring the needs of the whole county were met and were not purely financial.
- The £400k saving detailed in the decision papers related to the whole short breaks offer across the system as part of the short breaks commissioning strategy. The total cost of running Lavender House was £556k but that there was no information available on how the savings would be redistributed throughout the service.
- Staff from Lavender House would be redeployed within the service and there would be no savings associated with staffing costs, which was the biggest cost associated with the delivery of the Lavender House service.
- Some members queried some of the narrative in the decision papers referring to future demand at Maples but only talking about current demand at Lavender House.
- Councillor Egan confirmed that the external provision identified was suitable for both medical and behavioural needs.
- Some members suggested that children with complex needs needed routine and any change to that had a significant impact on them. It was stressed that there would be time after a decision being made to work with families to prepare for the change.

- Some members suggested that, if the closure of Lavender House were to go ahead, some young people would require full time care instead which had a substantial cost associated with it.
- Councillor Egan confirmed that the decision was not to remove the provision of short breaks but to change the provision. Families would still be supported through the same assessment process as now to find the best care for their specific circumstances.
- Clare Burrell confirmed that a short break was defined as a break of one night or more and that all travel was covered for the children to return to their education settings whilst on a short break.
- Cllr Beverley Egan confirmed that if families who were previously using Lavender House chose to then make use of The Maples, that there may be some assistance with the extra associated travel costs.
- It was suggested by some members that Councillor Egan should write to the parents and carers in this county whose child qualified for short breaks to inform, them of all the options available to them. Councillor Egan indicated that she would consider that.
- It was suggested that a list detailing all the alternative provisions arranged by electoral division, could be collated to allow all Councillors and parents to clearly see what was available to them.
- Councillor Egan confirmed she was satisfied with the way that the evidence supporting the proposed decision had been collected and assessed and that the proposals outlined in the decision would address future demand. ECC would continue to work with the provider market to further develop a mixed and blended approach for overnight breaks provision.

At the invitation of the Chairman Cllr Mike Mackrory summed up his case for the call-in and urged members to refer the matter back to Full Council.

Motions proposed and the decision of the Committee

The Committee were reminded that it had the following courses of action open to it:

- (i) allow the proposed decision to be implemented without further delay;
- (ii) refer the proposed decision back to the decision taker setting out in writing its concerns; or
- (iii) refer the matter to Full Council, also with a record of its concerns.

Two motions were proposed.

Councillor Guglielmi moved that the proposed decision to be implemented without further delay, which was seconded by Councillor Jeff Henry.

Councillor Goldman moved that the matter be referred to Full Council, also with a record of the Committee's concerns, which was seconded by Councillor Aidan McGurran.

The first motion proposed, namely that the proposed decision be implemented without further delay, was put to the meeting, and agreed with 6 votes in favour and 3 against with 3 members abstaining:

Resolved:

To allow the decision to be implemented without further delay.

As a result of the first motion being agreed, the second motion that had been proposed was not put to the meeting.

Date of Next Meeting

It was noted that the next meeting was scheduled to be held on 11 May 2023 - 09:30 to 13:30

There being no further business the meeting closed at 15:37

Chairman