

# Children and Families Committee

## Agenda

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<b>Date:</b>	<b>Monday, 29th April, 2024</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To note any apologies for absence from Members.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 5 - 12)

To approve as a correct record the minutes of the previous meeting held on 12 February 2024.

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For requests for further information

**Contact:** Josie Lloyd

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**E-Mail:** [josie.lloyd@cheshireeast.gov.uk](mailto:josie.lloyd@cheshireeast.gov.uk) with any apologies

#### 4. **Public Speaking/Open Session**

In accordance with paragraph 2.24 of the Council's Committee Procedure Rules and Appendix on Public Speaking, set out in the [Constitution](#), a total period of 15 minutes is allocated for members of the public to put questions to the committee on any matter relating to this agenda. Each member of the public will be allowed up to two minutes each to speak, and the Chair will have discretion to vary this where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days in advance of the meeting.

Petitions - To receive any petitions which have met the criteria - [Petitions Scheme Criteria](#), and falls within the remit of the Committee. Petition organisers will be allowed up to three minutes to speak.

#### 5. **Revised Dedicated Schools Grant Management Plan 2024/25 to 2030/31 following the Department of Education Safety Valve Intervention Programme** (Pages 13 - 54)

To receive a report on the Safety Valve intervention programme and the impact on the Dedicated Schools Grant management plan.

#### 6. **Children's Centre Re-modelling into the Family Hub Model** (Pages 55 - 68)

To receive the report seeking approval to carry out a consultation to repurpose existing children centres to meet MTFS savings while continuing to deliver the services flexibly.

#### 7. **Household Support Fund Grant 5 Delivery** (Pages 69 - 82)

To receive the report providing an update on the Household Support Fund 5 (HSF5) grant awarded to Cheshire East and seeking delegated approval to deliver the fund in line with the proposals set out in the paper.

#### 8. **Youth Justice Service Hosted Model Proposal** (Pages 83 - 104)

To receive the report on a proposed move from the current shared service arrangement for the management and delivery of youth justice services to a hosted model.

#### 9. **Travel Support for Children and Young People - Available Walking Routes Update** (Pages 105 - 116)

To consider the report on the transformation of travel support for children and young people.

10. **Decision on the Future Delivery of the School Catering Service** (Pages 117 - 132)

To receive the report which provides further information on the impact of the proposal to cease the delivery of Cheshire East's catering service and seeks a decision to cease trading from April 2025.

11. **Children and Families Scorecard Quarter 3 2023/24** (Pages 133 - 142)

To receive the Children and Families scorecard for quarter 3 of 2023-24.

12. **Implementation of All Age Direct Payment Policy** (Pages 143 - 276)

To consider a report on the implementation of the All Age Direct Payment Policy.

13. **Work Programme** (Pages 277 - 278)

To consider the work programme and determine any required amendments.

14. **Minutes of Sub-Committees** (Pages 279 - 286)

To note the minutes of the following sub-committees:

Local Authority School Governor Nomination Sub-Committee – 14 June 2023

Local Authority School Governor Nomination Sub-Committee – 23 November 2023

Cared for Children and Care Leavers Committee – 5 September 2023

15. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

16. **SEND Free Schools - Update** (Pages 287 - 304)

To consider the part 2 report and appendix.

**Membership:** Councillors R Bailey, M Beanland, S Bennett-Wake, J Bird, C Bulman (Chair), D Clark, E Gilman (Vice-Chair), G Hayes, R Kain, B Posnett, B Puddicombe, J Saunders and G Smith and L Smith

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Children and Families Committee**  
held on Monday, 12th February, 2024 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor C Bulman (Chair)  
Councillor L Anderson (Vice-Chair)

Councillors R Bailey, M Beanland, S Bennett-Wake, D Clark, E Gilman,  
R Kain, B Posnett, J Saunders, G Smith, L Smith and J Clowes

**OFFICERS IN ATTENDANCE**

Deborah Woodcock, Executive Director of Children's Services  
Claire Williamson, Director of Education, Strong Start and Integration  
Samantha Derbyshire, Head of Children's Provision  
Gill Betton, Head of Children's Development and Partnerships  
Richard Dawson, Edge Consultant  
Martyn Baggley, Head of Integrated Commissioning  
Joe Carter, Project Manager  
Jennie Summers, Legal Team Manager  
Nikki Wood-Hill, Lead Finance Partner  
Josie Lloyd, Democratic Services Officer

**ALSO IN ATTENDANCE**

Cllr K Edwards  
Cllr G Marshall

**71 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Hayes. Cllr Clowes attended as a substitute.

**72 DECLARATIONS OF INTEREST**

In relation to item 7 (Future Options for the School Catering Service), Cllr Bailey declared that she was a local food producer.

**73 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 31 January 2024 be agreed as a correct record.

**74 PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

**75 SCHOOLS FUNDING FORMULA AND EARLY YEARS FUNDING FORMULA 2024/25**

The committee received the report on the Schools Funding Formula and Early Years Funding Formula for 2024/25.

There was a concern that there had been a low turnout at the meeting of the Schools Forum, during which the recommendations to committee had been voted on. Some members felt that this was therefore not representative of all views and difficult to ensure the decision made was fair to all schools. Officers gave assurances that there had been no administrative issues behind the low turnout. Non-attendance was now being monitored and membership would be reviewed as needed going forward.

It was noted that there was an error in the table on page 22 of the agenda pack and that the percentage change shown should be 5%, rather than 0.5%.

**RESOLVED:**

**Schools Block (by majority):**

That the Children and Families committee approve the following for the adoption of the Schools Funding Formula 2024/25:

1. The use of a local funding formula that uses the Department for Education (DfE) national funding formula factors, uplifted for the Cheshire East area cost adjustment, and with any additional funding being allocated via the basic entitlement factor. The formula factors are set out at Appendix 2
2. The use of +0% as the minimum funding guarantee percentage
3. Setting a local Growth Fund at a value of £1.000m
4. Block transfer of 0.5% (£1.428m) from the schools block to the high needs block. This is dependent on approval of the disapplication by the DfE
5. In the event that the disapplication for the block transfer is not approved by the DfE that the following formula be used: i) The use of 0% as the minimum funding guarantee percentage. ii) Setting a local Growth Fund at a value of £1.493m. iii) No block transfer between the schools block and high needs block

6. Provides delegated authority to the Executive Director of Children's Services to use the schools block grant and the mainstream schools additional grant in accordance with relevant guidance
7. Provides delegated authority to the Executive Director of Children's Services to make disapplications to the DfE should it be required in the future

**Early Years Block (by majority):**

8. The continued use of the current funding formula that passes 95% of the funding allocation to providers of the early education entitlements and increase the hourly rates by the same percentage increase as the increased funding from the DfE
9. Pay all providers of the early education entitlements for 2 year olds and under universal base rates based on 95% of the DfE allocated rate
10. The new funding rates. The rates for 2023/24 and the proposed rates for 2024/25 are set out at Appendix 4
11. Remove English as an additional language (EAL) as a specific element of the formula and revert to funding EAL via the universal base rate
12. Provides delegated authority to the Executive Director of Children's Services to use the early years grant in accordance with relevant guidance
13. That the committee delegates authority to the Director of Education, Strong Start and Integration to enter into revised contracts with providers in accordance with the DfE funding increase

**High Needs Block (by majority)**

14. That the committee approves the provisional budget allocations of the high needs block and additional high needs funding as set out in Appendix 5
15. Provides delegated authority to the Executive Director of Children's Services to use the high needs block and additional high needs funding in accordance with relevant guidance

**Central Schools Services Block (by majority):**

16. That the committee approves the provisional budget allocations and use of the central schools services block as per Appendix 6

17. Provides delegated authority to the Executive Director of Children's Services to use the Central Schools Services grant in accordance with relevant guidance

## **76 PAEDIATRIC SPEECH, LANGUAGE AND COMMUNICATION THERAPY SUPPORT**

The committee received the report which outlined the Council and Integrated Care Board's approach and the current service pressures for paediatric speech, language, and communication therapy (SLCN) services, and the initial stages taken to review the service.

### **RESOLVED (unanimously):**

That the Children and Families Committee:

1. Approve a co-produced service redesign following from a service review, and engagement process for paediatric speech, language and communication
2. Approve the review of a jointly commissioned service (Section 256/75 Agreement) between the council and the Integrated Care Board for the provision of for paediatric speech, language and communication, as the first stage in a wider programme of jointly coordinated activity to meet the eligible needs of children with SEND, including broader paediatric therapeutic support

## **77 FUTURE OPTIONS FOR THE SCHOOL CATERING SERVICE**

The committee received the report which set out the findings in relation to the options, risks and issues for the future delivery of the catering service to remove the current subsidy from the Council. The report sought a decision from members on the future delivery of this service.

Some members were concerned that they did not have enough information at this stage to support the recommended option, as set out in the report, to cease Cheshire East's catering service and that they would need to hear the views of the schools before making a decision. Officers gave assurances that there had been ongoing discussions with schools since July 2023 and extensive work had been undertaken before presenting the recommendations to committee. A view was expressed that a decision could not be made based on the current information available to members and that there should be further consultation with schools and partners, with this being fed back to committee at the earliest opportunity.

An amendment was moved and seconded which sought to vote only on recommendation b) as set out in the report *(to approve the proposal to enter into discussions with those schools who buy into the service to*

*cease the provision by the end of December 2024, if possible)* and remove recommendations a), c), and d). This was carried by majority.

**RESOLVED (by majority):**

That the Children and Families Committee approve the proposal to enter into discussions with those schools who buy into the service to cease the provision by the end of December 2024, if possible.

**78 CONSULTATION ON CHANGES TO THE SCHOOL TRANSPORT POLICIES FOR CHILDREN AND YOUNG PEOPLE**

The committee considered the report which provided an overview of progress to date against the plans to transform travel support for children and young people. It also provided a review of existing areas of discretionary transport and sought approval from the committee on proposed changes to the school transport policies.

A query was raised as to when there would be a timetable or update on available walking routes. Officers advised that there had been a significant amount of work undertaken and that a report was scheduled to come to committee in April.

A suggestion was raised for consultation and discussion to take place with town and parish councils.

**RESOLVED (by majority):**

That the Children and Families Committee:

1. Scrutinise the progress to date in relation to the transformation of travel support for children and young people
2. Consider and approve the proposed changes to the school transport policies and procedures set out below at paragraphs 9 to 32, including:
  - a) the move to a consistent online approach to the application and review of school transport eligibility for all children and young people
  - b) the policy changes for post-16 students to make the offer of a personal travel budget (PTB) the default method of travel support
  - c) changes to the spare seats, charging and collecting payments for school transport, including the increase in charges for both post-16 parental contribution (where PTB cannot be offered) and spare seat provision to £900 per annum from September 2024 to be collected mainly by direct debit

- d) amendments to the policy to reflect updated statutory guidance from the Department for Education

**79 SUFFICIENCY STRATEGY 2024-2027**

The committee received the report which set out the Sufficiency Strategy for children's social care.

The strategy provided background on some of the approaches being taken to implement demand management strategy and deliver against the medium-term financial strategy.

**RESOLVED:**

That the Children and Families Committee note the 2024-2027 Sufficiency Strategy in the context of the medium term financial strategy and the cared for children and care leavers strategy 2023.

**80 LOCAL AUTHORITY COSTS AND TIMESCALES IN SUPPORT OF A SCHOOL CONVERTING TO AN ACADEMY**

The committee received the report which provided a briefing of a communication that was shared with Cheshire East schools on 22 January 2024 regarding the timescales and costs in relation to Cheshire East Council's involvement in the academy conversion of a school.

**RESOLVED:**

The Children and Families Committee note the information shared with schools (Appendix 1).

**81 ACADEMISATION FORWARD PLAN**

The committee received the report which informed of planned schools across the borough which were seeking to move to academy status and join a multi academy trust.

**RESOLVED:**

That the Children and Families Committee note the forward plan in Appendix 1.

**82 WORK PROGRAMME**

The committee considered the work programme.

It was noted that there was a change of date for the April meeting which would now be held on 29 April.

There was a request for an update on the Dedicated Schools Grant to become a standing item. Officers confirmed that a short update would be provided at each meeting going forward.

**RESOLVED:**

That the work programme be noted.

The meeting commenced at 14.00 and concluded at 16.57

Councillor C Bulman (Chair)

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OPEN

## **Children and Families Committee**

**29 April 2024**

**Revised Dedicated Schools grant  
Management Plan 2024/25 to 2030/31  
following the Department of Education  
Safety Valve Intervention Programme**

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**Report of: Deborah Woodcock, Director of Children's Services**

**Report Reference No: CF/55/23-24**

**Ward(s) Affected: All Wards**

### **Purpose of Report**

- 1 To provide members with an overview of the challenges in relation to the dedicated schools grant (DSG) in Cheshire East and an overview of the fundamental changes required to achieve an in-year balance on the high needs block of the DSG following work under the department for education's (DfE) Safety Valve intervention programme.
- 2 To provide all members with an overview of the revised dedicated schools grant management plan for the period 2024/25 to 2030/31 which was submitted to DfE on the 12 January 2024.
- 3 To provide an overview of the Safety Valve capital bid which is fundamental to the revised DSG management plan.
- 4 To provide an update on the outcome of the Safety Valve submission.

### **Executive Summary**

#### **Cheshire East DSG Management Plan**

- 5 The management plan is based on a series of assumptions relating to growth in demand, expected costs and the impact of mitigations. This allows medium term forecast expenditure and income level to be compared to establish the overall funding deficit. The plan assumes the

deficit is carried forward each year into the next financial year and adds to the pressure.

- 6 The High Needs DSG allocation for 2024/2025 is £57.5 million.
- 7 The overall strategy remains the same, of RIGHT TIME, RIGHT SUPPORT, RIGHT PLACE. This includes
  - The need to continue to increase local specialist provision and become less reliant on the independent sector
  - Embed the graduate approach and inclusion across all schools and settings and strengthen SEN support
  - Strengthening decision making and governance
- 8 For Cheshire East the DSG forecast reserve deficit as of 31 March 2024 is £89.6 million. The forecasts in this report demonstrate that the expected increase in demand and resulting costs is forecast to continue to exceed the funding provided by the DfE, which in turn will increase the deficit reserve.
- 9 However with significant and challenging mitigations we are now forecasting an in year balanced position by year 7. Therefore this is the plan which we will be adopting to ensure that our spend on high needs is sustainable in the future.
- 10 Elements of the plan are subject to available capital funding. Alongside the submission of the Safety Valve DSG management plan, a capital bid has been submitted. If the capital bid is successful, it will enable the growth of specialist placements within Cheshire East. We are awaiting the outcome of this bid.
- 11 The table below shows the forecast of the cumulative deficit position, both unmitigated and mitigated and the impact of mitigations.
- 12 The mitigated cumulative forecast deficit position is £284.8 million, despite mitigations amounting to £916.1 million.
- 13 Without support from the DfE/DLUCH we are unable to address the cumulative deficit position which is currently held in the statutory accountancy override.
- 14 Further detail of the mitigations is outlined later in this report and are shown in detail within appendix A.

	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
	£m	£m	£m	£m	£m	£m	£m

In year mitigated deficit	(51.3)	(48.1)	(38.7)	(28.7)	(19.8)	(9.2)	0.6
Unmitigated cumulative deficit	(154.6)	(244.6)	(363.5)	(514.8)	(702.2)	(929.1)	(1,200.9)
Mitigated cumulative deficit	(140.9)	(189.0)	(227.7)	(256.5)	(276.2)	(285.4)	(284.8)
Impact of mitigations	(13.7)	(55.6)	(135.8)	(258.3)	(426.0)	(643.7)	(916.1)

	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
	£m	£m	£m	£m	£m	£m	£m
Total UNMITIGATED Expenditure	122.40	149.20	179.80	214.10	252.10	293.50	340.40
Total MITIGATED Expenditure	110.20	109.40	101.80	93.70	86.60	78.00	70.20
Total DSG Income & Block Transfer	58.90	61.30	63.10	64.90	66.80	68.70	70.70

- 15 Further detail of the financial forecasts can be found in Appendix A.
- 16 Cheshire East received a letter on 13 March 2024 from the DfE providing an update on Cheshire Easts Safety Valve negotiations. Cheshire East safety Valve submission included an ask of the Department which is significantly above the level which the Department could reasonably afford in comparison to other agreements.
- 17 Ministers have decided that they are unable to enter into an agreement with Cheshire East at this time.
- 18 However, the DfE recognise that the DSG deficit as forecasted poses a substantial risk to Cheshire East. They therefore propose to work with us over the coming months, alongside colleagues from DLUHC, with the aim of finding an appropriate solution.

## RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Approve the revised DSG Management plan for 2024/25 to 2030/31 including the interventions to achieve the mitigated position, which demonstrates:
  - a. an in year balanced position
  - b. forecasts a deficit reserve position of £1.2 billion unmitigated and £285 million mitigated by the end of March 2031
2. To note, the decision of the Secretary of States to NOT enter into a Safety Valve agreement at this time.
3. To note, the Chief Executive, Executive Director of Children's Services and the Section 151 Officer will continue to work with the DfE and the Department for Levelling Up, Housing and Communities (DLUHC) with the aim of finding an appropriate solution.
4. To delegate to the Executive Director of Children's Services authority to undertake any consultations deemed necessary to facilitate implementation.
5. Agree to receive regular update regarding the progress of this plan and at least 3 times a year.

## Background

### National Context

- 19 Funding for educational provision and services for children and young people with 'high needs' is allocated to local authorities by central government as part of the overall funding available for education (i.e. the Dedicated Schools Grant or DSG). It pays for additional support for young people with complex and significant needs, aged 0-25 in mainstream schools and settings and for those requiring specialist or alternative provision. In addition, funding can be used for some SEND and inclusion support services.
- 20 Since 2018-19, high needs budgets have been distributed on a formula basis using a number of demographic factors (but with a continuing historical element).
- 21 The increase in numbers and complexity of need for children with Education and Health Care Plan (EHCP) that have their needs met

through the council's DSG high needs grant has significantly exceeded the funding received for that purpose.

- 22 As a result many councils are now facing significant deficits on their DSG reserves as recurring overspends are transferred to it each year. Responding to these pressures, the government has significantly increased the high needs funding allocated to all local authority areas. However, a number of authorities are still experiencing annual deficits despite the additional investment.
- 23 This has prompted the DfE to introduced two support schemes for councils:
- Delivering Better Value – for councils with significant DSG deficits. This started in July 2022. 55 local authorities were invited to join the DBV programme in 2022.
  - The Safety Value - for councils with very high DSG deficits. This started in 2021. There are 38 local authorities who have safety valve agreements in place.

### **DfE Safety Valve Intervention Programme**

- 24 The Safety Valve programme is a DfE Dedicated Schools Grant (DSG) deficit intervention which recognises the nationwide issues with the funding of special educational needs.
- 25 The aim of the Safety Valve intervention programme is to agree a package of reform to improve the performance of local authorities' high needs systems and to ensure it is delivered in a sustainable way, for the benefit of children and young people, whilst bring DSG deficits under control.
- 26 The programme requires local authorities to develop substantial plans for reform to their high needs systems and associated spending, with support and challenge from the department, to rapidly place them on a sustainable footing. The authorities will be held to account for their reform and deficit reduction targets via regular reporting to the DfE. The DfE will help the local authorities with additional funding over time to contribute to their historic deficits, contingent on delivery of the reforms.
- 27 To be accepted into the programme the local authorities are required to:
1. Produce a detailed plan to re-balance the Special Education Needs system and to reach a balanced DSG in year budget as soon as possible.
  2. Demonstrate how the local authority will contribute to the reduction of the historic deficit.

3. Demonstrate how the local authority will ensure that the plan is deliverable, how it will be managed as it is implemented, and how this plan will improve support for children and young people with SEND. This includes agreeing who will be responsible for the ongoing monitoring of progress towards the agreement.
  4. Provide a clear explanation of the financial support Cheshire East needs from the DfE to eliminate the historic deficit over the period of the agreement. This could include, if necessary, a request for some funding to help implement the proposal, as well as funding to eliminate the deficit directly, although it is not expected this will constitute a significant element of the total financial support requested.
- 28 If an agreement is reached, local authorities are held to account for the delivery of their plans via quarterly reporting to the Department.
- 29 There are now 38 local authorities who have safety valve agreements in place. 5 local authorities including Cheshire East were invited to participate in the scheme in 2023.
- 30 Cheshire East confirmed acceptance of the invitation to take part in the DfE Safety valve intervention programme on the 7 August 2023 and submitted the revised DSG management plan on 12 January 2024 along with the following documents:
- 9 x Project Initiation Documents (PIDs) can be found in appendix 1 of this report.
  - Capital bid. Details are provided within this report and if successful will also be incorporated into the Capital Programme scheduled to Children and families Committee in June 2024.
- 31 Cheshire East have NOT been able to demonstrate point 2 above; demonstrate how the local authority will contribute to the reduction of the historic deficit. Due to the scale of the variance between the income and expenditure for High Needs in Cheshire East it is not possible to reduce the cumulative deficit as part of our plan.
- 32 Cheshire East received a letter on 13 March 2024 from the DfE providing an update on Cheshire Easts Safety Valve negotiations. Cheshire East safety Valve submission included an ask of the Department which is significantly above the level which the Department could reasonably afford in comparison to other agreements.
- 33 Ministers have decided that they are unable to enter into an agreement with Cheshire East at this time.

- 34 However, the DfE recognise that the DSG deficit as forecasted poses a substantial risk to Cheshire East. They therefore propose to work with us over the coming months, alongside colleagues from DLUHC, with the aim of finding an appropriate solution.
- 35 In the meantime, their ask is for Cheshire East to continue to develop and implement the plan outlined in this report, to aid a more sustainable high needs system.
- 36 This decision does not include the outcome of the capital bid, which remains under assessment.
- 37 A meeting with the DfE and DLUHC took place on 20 March 2024. The Safety Valve DfE advisors/support team reiterated the scale of the issue is unprecedented but also praised Cheshire East leadership and colleagues who have and continue to work on the plan which they deem to be credible. Both Departments resolved to continue to engage with Cheshire East and were clear that Cheshire East have not been rejected and will be subject to ongoing scrutiny.

### **Cheshire East Revised DSG Management Plan**

- 38 As detailed in the executive summary of this report the DSG management plan provides a forecast for both an unmitigated position and a mitigated position.
- 39 The unmitigated financial forecast is the do-nothing position. Whereas the mitigated financial forecast includes carefully considered interventions. Cumulatively mitigations are forecast to amount to £916 million.
- 40 The unmitigated forecast position for 2030-31 shows total expenditure of £340.4 million against an expected grant of £68.6 million, resulting in an in-year deficit of £271.8 million and a total deficit reserve position of £1.2 billion.
- 41 The mitigated forecast position for 2030-31 shows total expenditure of £70.2 million against an expected grant and school block transfer of £70.7 million, resulting in an in-year surplus of £0.6 million and a total deficit position of £284.8 million.

### **Mitigations**

- 42 All the mitigations within the plan have the strategic aim of RIGHT TIME, RIGHT SUPPORT, RIGHT PLACE, which is the main focus of

the recent DfE Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan.

- 43 There are 9 PIDs which have been developed to address the opportunities identified during the Safety Valve intervention programme and build on the opportunities identified within the DfE Delivering Better Value intervention programme. The key areas of transformation are:
1. Support mainstream schools to adopt inclusive practice to enable more children and young people to remain in mainstream settings where appropriate. Develop a graduated response which sets clear guidance on support that should be available in mainstream settings.
  2. Strengthen the SEN support offer available in mainstream schools to reduce escalation of children and young people's needs and manage demand for EHCPs. This should include targeted investment on effective early intervention.
  3. Strengthen the professional networks across mainstream settings to promote learning and confidence in meeting children and young people's needs, including articulating school level inclusion standards.
  4. Expand specialist provision within the LA appropriately in order to meet the needs of children and young people within the authority.
  5. Secure collaboration and financial commitment from partner agencies where appropriate, ensuring partners make adequate contributions to provision.
  6. Develop and implement a clear planning and decision-making process for placements, in line with the sufficiency strategy.
  7. Strengthen oversight and contracting with independent and non-maintained schools to ensure value for money, including reviewing approval routes of high-cost placements.
  8. Strengthen the EHCP annual review process in order that EHCPs can be stepped down where children and young people's needs have been met appropriately, celebrating success.
  9. Review and develop a clear SEND financial strategy that ensures case level decision making is strategic and appropriate.
- 44 Further detail of the mitigations can be found within Appendix 1.

### **Safety Valve additional capital bid**

- 45 On 13 October 2023, Cheshire East received an invitation from the DfE to apply for additional high needs capital to support the proposals outlined in the Safety Valve DSG management plan.
- 46 Proposals needed to demonstrate how additional capital support can address specific barriers to unlocking savings or support new projects



that can be delivered quickly to help bring spending back into in-year balance.

- 47 Capital proposals are contingent on the successful conclusion of the main Safety Valve agreements (however, the DfE letter dated 13.03.24, advised the Safety Valve decision does not include the outcome of the capital bid, which remains under assessment).
- 48 Any additional capital funding agreed will be provided as a one-off contribution to capital proposals via a top-up to our High Needs Provision Capital Allocation (HNPCA).
- 49 The capital bid submitted on 4 January 2024 included the following which supports the Safety Valve DSG management plan.
- 3 x special school satellite sites providing in total 140 additional places
  - 1 x 14 place new SEN unit
  - Generic funding to support the refurbishment/adaption of space within mainstream settings which could support the current demand by way of resource provisions and/or SEN units.
- 50 The total capital bid is £18.7 million.
- 51 All proposals within the capital bid will be subject to public consultation and the usual approval processes.
- 52 If successful the capital bid will be incorporated in the Capital programme. The updated capital programme is scheduled to be presented to Children and Families committee 03 June 2024.

**Accounting Override – Dedicated Schools Grant adjustment account (England)**

- 53 From the 2020/21 financial year the accounting arrangements for the deficit on the DSG grant were changed.
- 54 The council holds usable and unusable reserves on the balance sheet. Usable reserves are cash backed whereas unusable reserves are not. Examples of unusable reserves are pensions and the revaluation of land and buildings.
- 55 In April 2020 Ministry of Housing, Communities and Local Government (MHCLG) introduced new legislation to switch the DSG deficit reserve from a usable to an unusable reserve and allowed the creation of an adjustment account on the balance sheet.

- 56 When MHCLG set up the accounting override it prevented local authorities from funding a DSG deficit from General Funds without the permission of the Secretary of State. It was made clear to council treasurers that this override was in place to allow time to find suitable arrangements to address the issue.
- 57 The current override has been extended and will now end on 31 March 2026, unless further extensions are announced. Without the override the size of the negative reserve for council expected as of 31 March 2026 would present a financial stability issue for the 2026/27 financial year. The council does not have sufficient reserves to be able to cover the cost of the cumulative deficit if the override is removed.
- 58 The size of the deficit has negative cash flow implications for the council, as we are spending more money than we receive. This results in revenue interest costs linked to the cost of borrowing.
- 59 The estimated impact on the councils revenue costs is that the cost of interest in 2023/24 will be around £3.1 million, rising to over £6 million in 2024/25. This cost will increase annually as the DSG cumulative deficit continues to increase.

### **Base Budget Pressures**

- 60 The impact of the significant growth in pupils with an EHCP will also be experienced in base budget funded services including the SEN Assessment and Monitoring Team, the Education Psychologists Team, and the home to school and SEN transport team. These areas are seeing additional demands and costs.
- 61 Activity and staffing levels in those teams will be regularly reviewed and growth requested through the MTFS process as required.

### **Impact on Adult Social Care**

- 62 Members are also asked to consider the medium to longer term impact of the significant rise in children with an EHCP on the Adults Social Care Service.
- 63 The potential for additional services to these young adults with associated costs is likely to form a pressure on the council's base budget.
- 64 This is also likely to be a national issue which may need to be raised in due course with central government but noting that resolving the current high needs funding shortfall is the initial priority.

## **Commitment**

- 65 We know that we have developed an ambitious, creative, and innovative, viable plan to reform our high needs systems as quickly as possible to improve the outcomes for our children with SEND, which will ensure we will achieve this by the end of year 7 within our allocated high needs budget.
- 66 This is a fundamental change programme that will affect the whole system and will require all partners to work as one. We know that we must do this for the financial sustainability of the council, but most importantly because our children deserve to have the right education, in the right provision to support them to prepare for adulthood to achieve long terms goals.
- 67 We are working at pace to address the areas we and the programme have identified and have already started to restructure the leadership of SEND and the processes for identification and decision making. Crucially we have started to engage with our schools on the scale the issues and their roles in making Cheshire East an inclusive place to grow up in and learn to ensure that Cheshire East children are educated in Cheshire East.
- 68 We are totally committed to this transformational programme and will be working across the council and with our partners to drive this agenda forward and deliver on our revised plan.

## **Consultation and Engagement**

- 69 The first version of the report was approved by Cabinet on 9 March 2021. As the DSG Management Plan is updated annually, a second version of the report was approved by Children and Families Committee on 23 September 2022. That version was shared with the schools Forum on 20 September 2022 and was also shared with the DfE via the Delivering Better Value programme work during the summer 2022. In September 2023, the report along with a mitigation progress update was approved by Children and Families Committee.
- 70 A strategic DSG Management Plan board has been established, which has provided governance and steering throughout the DBV programme and continues to provide governance concerning the whole of the DSG Management Plan, Members of this board include Executive Director of Children's Services and S151 Officer. This board is being expanded to be a key transformation board. The Chief Executive has agreed to chair this board and there will be member representation, including cross party members from Children and Families Committee and Scrutiny and Finance committees. The terms of reference are being worked up and it is anticipated that the first board will be in June 2024.

- 71 SEND strategy workstreams will drive the implementation of the 9 PIDs and will form part of our monitoring process which will report to the SEND transformation board.
- 72 We have continued to update schools and settings on progress and deliver key updates as part on-going network meetings, such as Schools Forum, head teacher network sessions both primary and secondary, SEND conferences and governor forums.
- 73 The SEND Partnership will ensure partners are aware of the issues and part of the design of any solutions.

### **Reasons for Recommendations**

- 74 In line with the issues being seen nationally, expenditure on pupils with SEND is increasing significantly as a result of higher demand and complexity.
- 75 This increase exceeds the DfE's funding allocations and has led to the council's DSG reserve being in a deficit position of £46.9 million as of 31 March 2023. This is forecast to be £89.6 million by 31 March 2024. The expectation is that the deficit will continue to increase and cannot be recovered in the medium term under current expenditure and income forecasts.
- 76 The DfE management plan guidance advises that:
- 77 "The DSG: conditions of grant 2023 to 2024 paragraph 5.2, requires any local authority that has an overall deficit on its DSG account at the end of the 2023 to 2024 financial year, or whose DSG surplus has substantially reduced during the year, must co-operate with the Department for Education in handling that situation. In particular, the authority must:
- provide information as and when requested by the department about its plans for managing its DSG account in the 2024 to 2025 financial year and subsequently.
  - provide information as and when requested by the department about pressures and potential savings on its high needs budget.
  - meet with officials of the department as and when they request to discuss the authority's plans and financial situation.
  - keep the schools forum regularly updated about the authority's DSG account and plans for handling it, including high needs pressures and potential savings.

- The Secretary of State reserves the right to impose more specific conditions of grant on individual local authorities that have an overall deficit on their DSG account, where he believes that they are not taking sufficient action to address the situation.

We already share information through various forums and associations so we have good practice on which we can build.

78 The DSG Management Plan will enable Cheshire East to:

- comply with paragraph 5.2 of the DSG: conditions of grant 2022 to 2023, 2024.
- monitor how DSG funding is being spent,
- highlight areas where local authorities may wish to review spending,
- form evidence-based and strategic future plans for the provision of children and young people with SEND,
- present complex funding information simply to schools forums and other external stakeholders.

79 The pressures on the DSG addressed through this management plan will also reduce the risk of future overspend on base budget of the SEND team, the Education Psychologists team and on school transport.

### Other Options Considered

80 The table below sets out the issues:

Option	Impact	Risk
Do nothing (not produce a management plan)	This is not acceptable as the DfE has made completion of a DSG management plan compulsory under certain criteria which the council has met.	The council would not be demonstrating commitment to managing the issues.
Subsidise DSG from other local funding sources	This may help to reduce the DSG deficit but increase pressure on other areas which were not intended to fund high needs. This is unlikely to address the extent	The true high needs funding gap is not recognised and there are unaffordable pressures on other budgets or the council's general reserves.

	of the budget pressure.	
Not develop mitigations	The council would be leaving itself in an unacceptable position in terms of overall reserves and not demonstrating a commitment to manage the DSG reserve deficit.	The council would be reliant on the DfE meeting the full ongoing costs of the DSG Deficit which is unlikely to happen.

## Implications and Comments

### *Monitoring Officer/Legal*

- 81 Under the Local Government Finance Act 1993, the council has a statutory duty to use resources efficiently and effectively against priorities and to achieve a balanced budget. S28 (budget monitoring: general) of the Local Government Act 2003 requires the Council to review its calculations from time to time during the year and to take such action, if any, as it considers necessary to deal with any deterioration in its financial position.
- 82 The Dedicated Schools Grant (DSG) is paid to the Council by the Secretary of State under the Education Act 2002. S14 (power of Secretary of State to give financial assistance for purposes related to education or children etc.). It is a specific ring-fenced grant given outside the local government finance settlement. The terms of the grant require it to be used to support schools budgets for purposes defined in regulation 6 and schedule 2 of The Schools and Early Years Finance (England) Regulations 2022. Local authorities are responsible for determining the split of the grant between central expenditure and the individual schools budget (ISB) in conjunction with local schools forums. Local authorities are responsible for allocating the ISB to individual schools in accordance with the local schools' funding formula.
- 83 The Education and Skills Funding Agency Guidance on DSG: Conditions of grant 2023-24 require any local authority with an overall deficit on its DSG account to present a Plan to the DfE for managing their future DSG spend and to keep the schools forum regularly updated

about the authority's DSG account and plans for handling it including high needs pressures and potential savings.

#### *Section 151 Officer/Finance*

- 84 The Financial Implications of the DSG management plan are contained within the report. The proposed plan forecasts an unmitigated cumulative DSG deficit of £1.2 billion by the end of 2023/31, reducing to £285 million if the plan is approved and implemented successfully.
- 85 As detailed in the Accounting Override section of this report both the current and forecast deficit balances are creating financial pressures and are unaffordable for the council. Therefore support from the DfE through the Safety Valve program, or support through other avenues, is essential to avoid the need to issue a S114 notice in the future.
- 86 As detailed in the Cheshire East MTFS the council is experiencing financial challenges at a scale that it has not faced before. This makes the approval and delivery of the DSG Management Plan imperative as the council is not in a position to be able to fund DSG pressures.
- 87 The council has applied for Exceptional Financial Support (EFS) to the Secretary of State for Levelling Up. This application includes a request to be able to capitalise the estimated cost of interest on the DSG deficit for years 2023/24 and 2024/25, estimated to be £9 million.
- 88 This request has been approved in principle and if supported it will remove the cost of interest for these two years from the revenue costs and allow us to spread the cost over a longer timeframe. However this does not address the ongoing cumulative deficit, or the interest costs which will continue to be a pressure in year 2025/26 and onwards linked to the deficit.

#### *Policy*

- 89 Local authorities are under a duty to ensure sufficiency of school places in their area (section 14 of the Education Act 1996).
- 90 The SEND Code of Practice (January 2015) provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England.
- 91 The DfE issued the "SEND Review: Right support, right place, right time" - a SEND and AP green paper which is a consultation on the future of SEND services. The SEND Partnership response is in support

of the proposals and promptly making those legal requirements will support the council in delivery of the necessary changes.

- 92 Following the green paper consultation in March 2023 DFE published their SEND and alternative provision improvement plan which sets out their plans to change the special educational needs and disabilities (SEND) and alternative provision system in England. The partnership will ensure we keep up to date with the DFE roadmap and change programme as this is progressed nationally.

<https://www.gov.uk/government/publications/send-and-alternative-provision-improvement-plan/send-and-alternative-provision-roadmap>

- 93 The statutory duties include:

- the need to undertake a needs assessment where a child may have additional needs,
- to issue an education, health and care plan within 20 weeks where assessment provides evidence this is required to meet the assessed needs.
- the local authority must then secure an appropriate school place and must consult with parental preference.

94

<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>  <b>Support all children to have the best start in life.</b>  <b>Increase opportunities for all children and young adults with additional needs.</b>  <b>Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential</b>	<b>A thriving and sustainable place</b>  <b>Reduce impact on the environment.</b>  <b>Thriving urban and rural economies with opportunities for all</b>  <b>Be a carbon neutral council by 2025</b>
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*Equality, Diversity and Inclusion*

- 95 An Equality Inclusion Assessment has been completed previously for the DSG Management Plan, this is available on the website.
- 96 The SEND Code of Practice looks to ensure the assessed additional needs of children with special education needs are provided for, to enable them to reach agreed outcomes.

*Human Resources*

- 97 Additional budget of £500,000 has been secured via the MTFS to provide transformation support for the implementation of the plan.

*Risk Management*

- 98 An impact on the council's base budget (council tax, national non-domestic rates and general grants) as a contribution may be required to manage the high needs pressures or DSG deficit reserve balance.
- 99 There are insufficient capital resources and / or capacity to deliver the additional changes needed to provide more places in the borough. This is a particular challenge if trying to bring the mitigations forward.
- 100 Service levels reduce as funding is not sufficient and future Ofsted inspections raise issues which damage reputation and result in the council being required to produce a "written statement of action" to remedy failings.
- 101 The council continues to make payments to settings but it is not able to fund them from the overall resources it has available.
- 102 The DSG Management Plan is based on a series of assumptions over EHCP numbers and average costs. These are subject to change and this risk will be mitigated through regular reviews of the plan.

*Rural Communities*

- 103 There are no direct implications for rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 104 The council has approved its Children's Vision which contains a priority around children with additional needs.

- 105 The SEND Partnership Strategy sets out the Partnership vision for meeting the needs of children and young people with SEND. This strategy was refreshed to include the DBV opportunities and mitigations within the DSG Management Plan in 2023.

*Public Health*

- 106 There are no direct implications for public health.

*Climate Change*

- 107 Many pupils are educated out of borough at high costs and with long travel journeys.
- 108 Where possible systems that save on energy consumption will be considered, particularly for electricity.
- 109 Any internal works required to update buildings to make them fit for purpose will include a comprehensive review of the impact on climate factors.
- 110 Any significant changes that may take place will require full compliance with the latest building regulations relating to such factors as insulation/heat loss and energy efficiencies. Such factors will be key considerations as the scheme is developed through to full handover.

<b>Access to Information</b>	
Contact Officer:	<p>Claire Williamson</p> <p>Director of Strong Start, Family Help and Integration and SEND</p> <p><a href="mailto:Claire.williamson@cheshireeast.gov.uk">Claire.williamson@cheshireeast.gov.uk</a></p>
Appendices:	<p>There is 1 appendix to this report:</p> <p>Appendix 1 – Safety Valve DSG management plan</p>
Background Papers:	<p>DSG Management Plan 2022-23 – C&amp;F Committee September 2022 - <a href="#">Decision report template (cheshireeast.gov.uk)</a></p>

	<p>DSG Management Pan 2023-2024 – C&amp;F Committee September 2023 - <a href="https://cheshireeast.gov.uk">CEC Report Template (cheshireeast.gov.uk)</a></p> <p>Delivering Better Value Update C&amp;F Committee March 2023 - <a href="https://cheshireeast.gov.uk">Decision report template (cheshireeast.gov.uk)</a></p> <p>SEND &amp; AP Green Paper - <a href="https://www.gov.uk">SEND and alternative provision improvement plan - GOV.UK (www.gov.uk)</a></p> <p>Children and Families Committee 18 September 2023:</p> <ul style="list-style-type: none"> <li>• SEND Strategy <a href="https://cheshireeast.gov.uk">2. SEND Strategy.pdf (cheshireeast.gov.uk)</a></li> <li>• SEND Sufficiency Statement <a href="https://cheshireeast.gov.uk">CEC Report Template (cheshireeast.gov.uk)</a></li> <li>• Capital Programme <a href="https://cheshireeast.gov.uk">CEC Report Template (cheshireeast.gov.uk)</a></li> </ul> <p>This link provides information on Safety Valve agreements with other local authorities - <a href="https://www.gov.uk">Dedicated schools grant: very high deficit intervention - GOV.UK (www.gov.uk)</a></p>
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## Appendix 1

### Summary of Cheshire East Council DSG Management Plan 2023/24 to 2027/28

#### Introduction

1. This appendix provides a summary of the council's Dedicated Schools Grant (DSG) Management Plan for the period 2024/25 to 2030/31, which has been submitted to the DfE Safety Valve intervention programme. Please note this is a 7-year plan, previous DSG management plans have covered a 5-year period.
2. This appendix also details the project initiation documents (PIDs) which detail the Safety Valve interventions/mitigations and are the key transformation areas
3. Forecast are based on the January 2023 education, health and care plan (EHCP) numbers from the SEN2 statutory return.
4. Findings and opportunities identified from the Delivering Better Value (DBV) programme remain. In addition, opportunities/workstream mitigations identified during the intense work with Safety Valve DfE advisors have been built into the revised DSG mgmt. plan.
5. The DSG Management Plan is based on a very detailed spreadsheet template issued by the DfE. This Appendix provides a summary.
6. The DSG management plan provides an unmitigated and mitigated forecast for the period 2024/25 to 2030/31.
7. Where changes to provision are identified they remain subject to necessary consultations, sufficient capital funding where applicable and local approval.
8. The Management Plan is based on average costs for the placement of additional pupils. This has to be used for modelling as the destination of each new child and their needs cannot be determined at this stage.
9. As the special school mitigations looks at the overall expansion programme actual forecast costs of placements have been used rather than the average cost.
10. The average costs of provision ranges from £7,593 for a pupil supported in mainstream to £25,000 for a special school to over £64,000 for independent specialist provision.

**11.** The High Needs Allocation for 2024-25 is £57.5 million

### **Provision Types**

**12.** Children and young people with an EHCP are supported in a variety of education setting types:

- Mainstream schools and early years setting
- Further education colleges (FE)
- Enhanced Mainstream Provision (EMP) – within a mainstream school
- Resource Provision (RP) – within a mainstream school
- Special Schools – maintained, academy, free schools, independent both within and outside of Cheshire East
- Non-maintained special schools, Independent special schools and Specialist post 16 institutes (NMSS/ISS/SPIs)
- Alternative provision (AP)

### **EHCP data analysis**

**13.** The number of EHCPs in the system has increased by 617 during the year, bringing the total of EHCPs as of January 2023 to 4,029. This included 742 first/new EHCPs, 80 transfers into the local authority less 205 which were either ceased or transferred out of the local authority. This represents a growth in the total of EHCPs of 18% (16% the previous year).

**14.** National growth as at January 2023 is 9%, previous years this level of growth has been approximately 10%.

**15.** From the spread of EHCPs across different provision types, the provision type of independent special schools, non-maintained special schools and specialist post 16 institutes, has increased by 62%. 32% above the number of EHCPs in this setting type the previous year. This has impacted on the forecast of EHCPs and the overall DSG management plan, as the average financial cost of this type of provision is £64,000 pa.

All EHCPs by provision type	Jan 2022	EHCP Increase	% Increase	Jan 2023	EHCP Increase	% Increase
Mainstream schools inc. Nursery/Private, Voluntary and Independent (PVI)	1,830	261	17%	2,084	254	14%
Resource Provision	88	-6	-6%	132	44	50%
Special Schools	706	44	7%	778	72	10%
NMSS/ISS/SPIs	337	78	30%	545	208	62%
Alternative Provision (AP) and Pupil Referral Unit (PRU)	11	2	225	19	8	73%
FE college & sixth form	440	99	29%	471	31	7%
<b>Total</b>	<b>3,412</b>	<b>478</b>	<b>16%</b>	<b>4,029</b>	<b>617</b>	<b>18%</b>

16. New/first EHCPs issued in the calendar year 2022 increased by 13.5% compared with EHCPs issued in 2021 (The increase of first EHCPs in the calendar year 2021 was 2% on the previous year). The table below details the number of new/first plans by provision type. This shows that for the new/first EHCPs issued during calendar year 2022 (shown in column Jan 2023), there is an increase in the number of EHCP in independent special schools, non-maintained special schools and specialist post 16 institutes.

17. National growth as at January 2023 is 7%.

NEW/FIRST PLANS	Jan 22	% Increase 2022	Proportion of new plans 2022	Jan 23	% Increase 2023	Proportion of new plans 2023
Mainstream schools inc. Nursery/PVI	578	3%	88%	602	4%	81%
RP	8	100%	1%	24	200%	3%
LA Special	30	11%	5%	42	40%	6%
NMSS/ISS/SPIs	15	-35%	2%	47	213%	6%
AP/Pupil Referral Unit (PRU)	7	75%	1%	10	43%	1%
FE/Post 16	16	-24%	2%	17	6%	2%
<b>Total</b>	<b>654</b>	<b>2%</b>	<b>100%</b>	<b>742</b>	<b>13.5%</b>	<b>100%</b>

### Forecasting Children with an Education Health and Care Plan (EHCP)

18. The council has to submit a SEN 2 return in January each year setting out the latest information on EHCP numbers. The data from the January 2023 SEN2 return is the basis for forecasting in this plan.
19. In previous versions of the DSG management plan, the unmitigated forecast has been based on a flat rate increase number of more plans each and every year. However, following discussions and seeking advice from DfE Safety Valve colleagues, we have used a reducing percentage increase each year to represent the growth of future EHCPs. The percentage reduces each year until it reaches 10% increase, which is the national level of EHCP growth.
20. The mitigated EHCP forecast, shows that there will inevitably be growth in the first couple of years but the level of EHCPs will decline over the later years of the plan, down to similar levels which we are experiencing now, however the proportions of EHCPs in provision types will differ. Ensuring that children and young people are placed in the right type of provision has a significant impact on the overall affordability and sustainability of the financial forecast and will allow services to be provided with in budget.

**Table of Unmitigated and Mitigated forecast EHCP numbers**

	2023	2024	2025	2026	2027	2028	2029	2030	2031
Unmitigated	4,029	4,776	5,484	6,247	7,051	7,892	8,756	9,626	10,585
Mitigated	4,029	4,776	5,164	5,300	5,240	5,197	5,061	4,769	4,413
% Unmitigated growth of EHCPs		19%	15%	14%	13%	12%	11%	10%	10%
% Mitigated growth of EHCPs		19%	8%	3%	-1%	-1%	-3%	-6%	-7%
Impact of mitigations			(320)	(947)	(1,812)	(2,695)	(3,695)	(4,857)	(6,172)

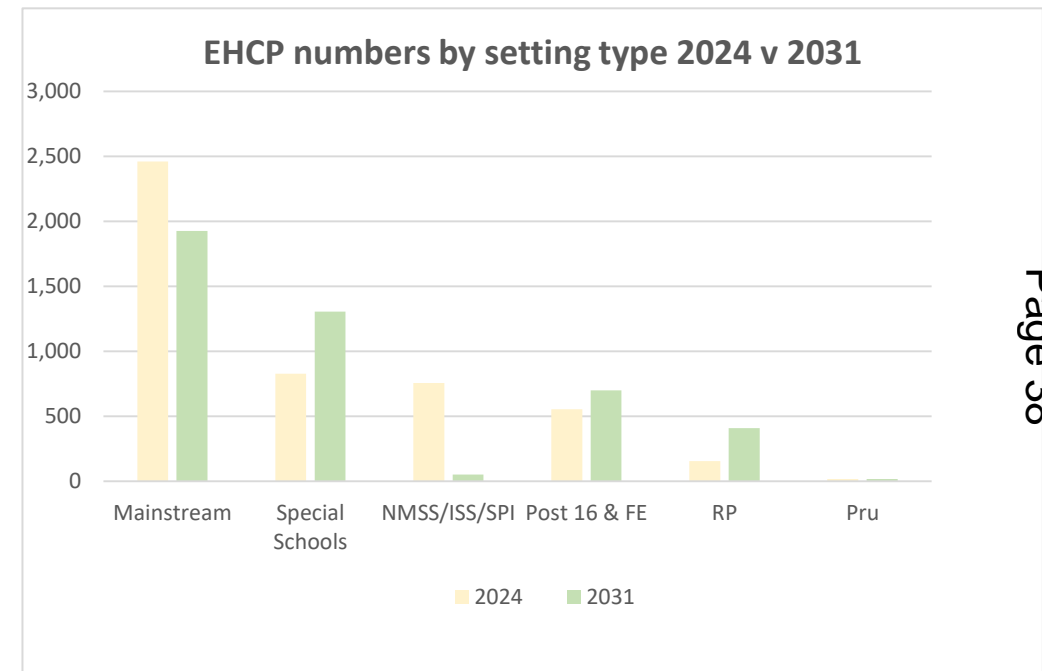
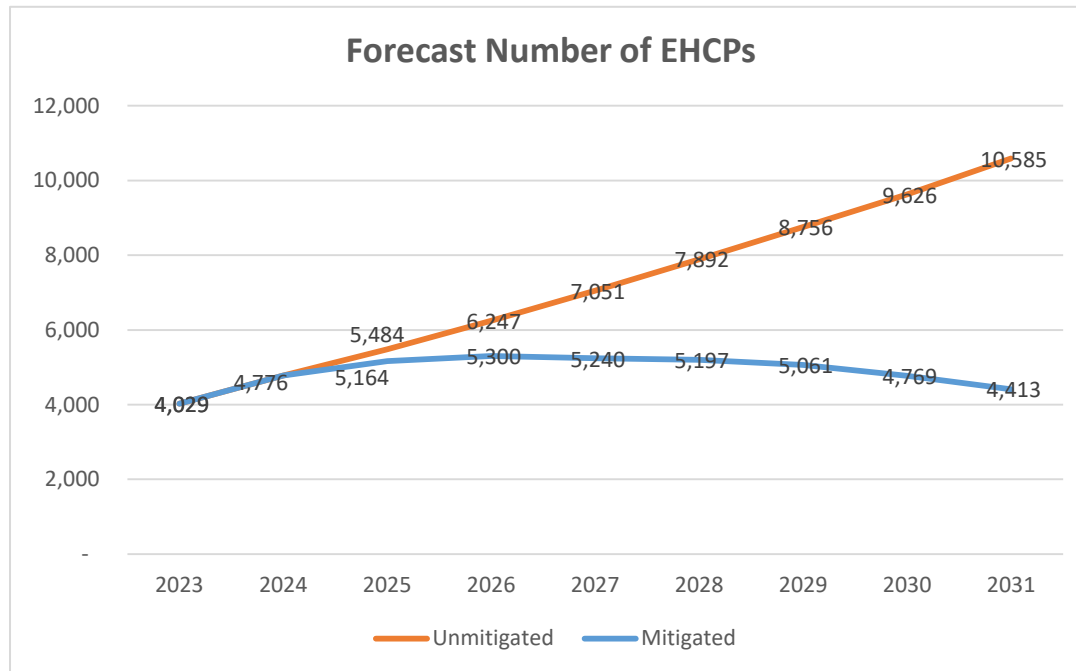
Type	2023 Actual	2024 Forecast	Unmitigated Forecast						
			2025	2026	2027	2028	2029	2030	2031
Mainstream	2,084	2,460	2,828	3,225	3,643	4,079	4,529	4,981	5,480
Special Schools	778	828	828	828	828	828	828	828	828
NMSS/ISS/SPIs	545	757	1,013	1,291	1,583	1,889	2,202	2,518	2,866
Post 16 & FE	471	556	640	728	822	921	1,022	1,124	1,236
RP / SEN Units	132	156	156	156	156	156	156	156	156



Hosp Schools / AP	19	19	19	19	19	19	19	19	19
<b>Total EHCPs</b>	<b>4,029</b>	<b>4,776</b>	<b>5,484</b>	<b>6,247</b>	<b>7,051</b>	<b>7,892</b>	<b>8,756</b>	<b>9,626</b>	<b>10,585</b>
Growth	617	747	708	763	804	841	864	870	959
% Growth	18%	19%	15%	14%	13%	12%	11%	10%	10%

Type	2023 Actual	2024 Forecast	Mitigated Forecast						
			2025	2026	2027	2028	2029	2030	2031
Mainstream	2,084	2,460	2,649	2,736	2,640	2,613	2,489	2,257	1,925
Special Schools	778	828	922	1,016	1,116	1,206	1,266	1,286	1,306
NMSS/ISS/SPIs	545	757	814	652	507	354	239	120	53
Post 16 & FE	471	556	588	624	649	671	687	698	701
RP / SEN Units	132	156	172	254	308	335	362	389	409
Hosp Schools / AP	19	19	19	19	19	19	19	19	19
<b>Total EHCPs</b>	<b>4,029</b>	<b>4,776</b>	<b>5,164</b>	<b>5,300</b>	<b>5,240</b>	<b>5,197</b>	<b>5,061</b>	<b>4,769</b>	<b>4,413</b>
Growth	617	747	388	136	-61	-42	-136	-292	-357
% Growth	18%	19%	8%	3%	-1%	-1%	-3%	-6%	-7%

**21.** The charts below demonstrate the forecasts for both unmitigated and mitigated EHCP forecasts and identify the split between provision/setting type. The key mitigation concerning provision type is the need to expand our own specialist provision and become less reliant on the specialist independent sector.



## **Overall Financial Summary of the DSG Management Plan**

### **Starting Point and Income Forecasts**

- 22.** The DSG reserve deficit balance is currently forecast to be £89.6 million at 31 March 2024. This is based on high needs funding for 2023/24 of £56 million and EHCP numbers 4776.
- 23.** The high needs funding has been forecasted using DfE guidance as 3% growth each year.

### **Overall Financial Summary**

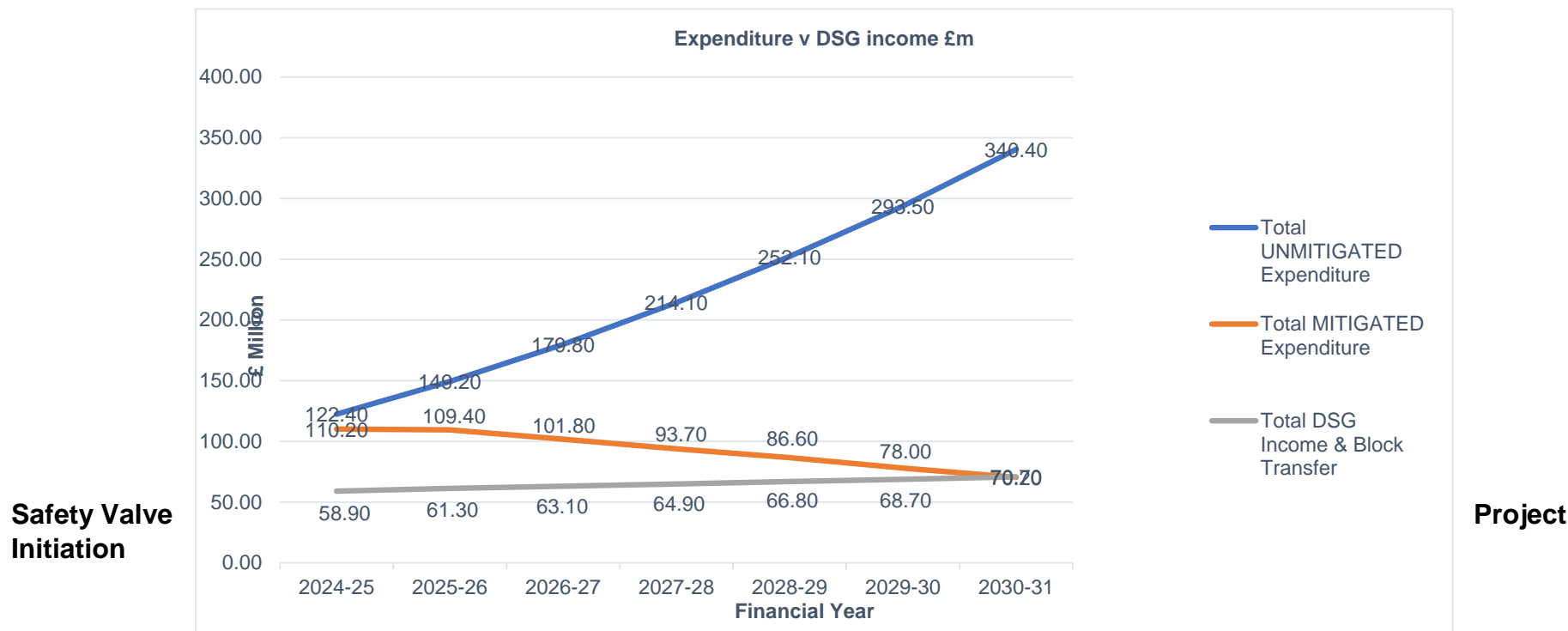
- 24.** The tables below summarise the financial forecast in the DSG management plan for both the unmitigated position and the mitigated position along with the difference between the two. The forecasts are broken down over provisions types and detail the expenditure, DSG income, school block transfer, the in year deficit position, the deficit reserve brought forward from the previous year, resulting in the total deficit reserve position.
- 25.** The unmitigated financial forecast is without mitigations, the do-nothing position. Whereas the mitigated financial forecast includes mitigations which are detailed within the Safety Valve Project Initiation Documents (PIDs) Interventions – mitigations section in this appendix. Cumulatively mitigations are forecast to amount to £916 million.
- 26.** The unmitigated forecast position for 2030-31 shows total expenditure of £340.4 million against an expected grant of £68.6 million, resulting in an in-year deficit of £271.8 million and a total deficit reserve position of £1.2 billion.
- 27.** The mitigated forecast position for 2030-31 shows total expenditure of £70.2 million against an expected grant and school block transfer of £70.7 million, resulting in an in-year surplus of £0.6 million and a total deficit position of £284.8 million.

	UNMITIGATED FORECAST						
Provision Type	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
	£m	£m	£m	£m	£m	£m	£m
Mainstream	25.1	28.1	31.3	34.7	38.2	41.7	45.5
Resource Provision	2.9	2.8	2.8	2.8	2.8	2.8	2.8
Special Schools	19.5	19.5	19.5	19.5	19.5	19.5	19.5
NMSS & Independent Special Schools	63.3	86.2	112.6	142.6	176.0	212.9	254.9
FE Colleges	6.1	7.0	7.9	8.8	9.8	10.8	11.9
Alternative Provision	3.6	3.6	3.6	3.7	3.7	3.7	3.7
Sensory & SALT	2.0	2.0	2.1	2.1	2.1	2.1	2.2
<b>Total Expenditure</b>	<b>122.4</b>	<b>149.2</b>	<b>179.8</b>	<b>214.1</b>	<b>252.1</b>	<b>293.5</b>	<b>340.4</b>
<b>Total DSG Income</b>	<b>(57.5)</b>	<b>(59.2)</b>	<b>(61.0)</b>	<b>(62.8)</b>	<b>(64.7)</b>	<b>(66.6)</b>	<b>(68.6)</b>
<b>Block Transfer</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>In Year Surplus -/ Deficit +</b>	<b>65.0</b>	<b>90.0</b>	<b>118.8</b>	<b>151.3</b>	<b>187.4</b>	<b>226.9</b>	<b>271.8</b>
<b>Surplus / Deficit Brought Forward</b>	<b>89.6</b>	<b>154.6</b>	<b>244.6</b>	<b>363.5</b>	<b>514.8</b>	<b>702.2</b>	<b>929.1</b>
<b>Total Deficit Reserve Balance</b>	<b>154.6</b>	<b>244.6</b>	<b>363.5</b>	<b>514.8</b>	<b>702.2</b>	<b>929.1</b>	<b>1,200.9</b>

	MITIGATED FORECAST						
Provision Type	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
	£m	£m	£m	£m	£m	£m	£m
Mainstream	24.0	23.3	21.4	20.4	19.8	18.7	16.9
Resource Provision	3.1	4.1	5.0	5.5	6.0	6.4	6.8
Special Schools	20.7	22.5	24.3	26.0	27.6	27.9	28.1
NMSS & Independent Special Schools	51.2	48.6	40.0	30.5	21.7	13.3	6.7
FE Colleges	5.6	6.0	6.2	6.4	6.6	6.7	6.7
Alternative Provision	3.6	3.4	3.4	3.3	3.3	3.3	3.4
Sensory & SALT	1.9	1.6	1.6	1.6	1.6	1.6	1.6
<b>Total Expenditure</b>	<b>110.2</b>	<b>109.4</b>	<b>101.8</b>	<b>93.7</b>	<b>86.6</b>	<b>78.0</b>	<b>70.2</b>
<b>Total DSG Income</b>	<b>(57.5)</b>	<b>(59.2)</b>	<b>(61.0)</b>	<b>(62.8)</b>	<b>(64.7)</b>	<b>(66.6)</b>	<b>(68.6)</b>
<b>Block Transfer</b>	<b>(1.4)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>
<b>In Year Surplus -/ Deficit +</b>	<b>51.3</b>	<b>48.1</b>	<b>38.7</b>	<b>28.7</b>	<b>19.8</b>	<b>9.2</b>	<b>(0.6)</b>
<b>Surplus / Deficit Brought Forward</b>	<b>89.6</b>	<b>140.9</b>	<b>189.0</b>	<b>227.7</b>	<b>256.5</b>	<b>276.2</b>	<b>285.4</b>
<b>Total Deficit Reserve Balance</b>	<b>140.9</b>	<b>189.0</b>	<b>227.7</b>	<b>256.5</b>	<b>276.2</b>	<b>285.4</b>	<b>284.8</b>

	VARAINCE BETWEEN UNMITIGATED FORECAST AND MITIGATED FORECAST						
Provision Type	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31

	£m	£m	£m	£m	£m	£m	£m
Mainstream	(1.1)	(4.8)	(9.9)	(14.3)	(18.3)	(23.0)	(28.6)
Resource Provision	0.3	1.3	2.2	2.7	3.2	3.6	4.0
Special Schools	1.3	3.0	4.8	6.5	8.1	8.4	8.7
NMSS & Independent Special Schools	(12.1)	(37.6)	(72.6)	(112.1)	(154.4)	(199.6)	(248.2)
FE Colleges	(0.5)	(1.0)	(1.6)	(2.4)	(3.2)	(4.1)	(5.1)
Alternative Provision	-	(0.2)	(0.3)	(0.3)	(0.3)	(0.4)	(0.4)
Sensory & SALT	(0.1)	(0.5)	(0.5)	(0.5)	(0.5)	(0.6)	(0.6)
<b>Total Expenditure</b>	<b>(12.3)</b>	<b>(39.8)</b>	<b>(77.9)</b>	<b>(120.4)</b>	<b>(165.5)</b>	<b>(215.6)</b>	<b>(270.2)</b>
<b>Total DSG Income</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Block Transfer</b>	<b>(1.4)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>	<b>(2.1)</b>
<b>In Year Surplus -/ Deficit +</b>	<b>(13.7)</b>	<b>(41.9)</b>	<b>(80.1)</b>	<b>(122.6)</b>	<b>(167.7)</b>	<b>(217.7)</b>	<b>(272.4)</b>
<b>Surplus / Deficit Brought Forward</b>	<b>-</b>	<b>(13.7)</b>	<b>(55.7)</b>	<b>(135.7)</b>	<b>(258.3)</b>	<b>(426.0)</b>	<b>(643.7)</b>
<b>Total Deficit Reserve Balance</b>	<b>(13.7)</b>	<b>(55.7)</b>	<b>(135.7)</b>	<b>(258.3)</b>	<b>(426.0)</b>	<b>(643.7)</b>	<b>(916.0)</b>



## **Documents (PIDs) Interventions – mitigations**

**28.** All the mitigations within the plan have the strategic aim of RIGHT TIME, RIGHT SUPPORT, RIGHT PLACE, which is the main focus of the recent DfE Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan.

**29.** There are 9 PIDs which have been developed to address the opportunities identified during the Safety Valve intervention programme. The key areas of transformation are:

- Support mainstream schools to adopt inclusive practice to enable more children and young people to remain in mainstream settings where appropriate. Develop a graduated response which sets clear guidance on support that should be available in mainstream settings;
- Strengthen the SEN support offer available in mainstream schools to reduce escalation of children and young people's needs and manage demand for EHCPs. This should include targeted investment on effective early intervention;
- Strengthen the professional networks across mainstream settings to promote learning and confidence in meeting children and young people's needs, including articulating school level inclusion standards;
- Expand specialist provision within the LA appropriately in order to meet the needs of children and young people within the authority;
- Secure collaboration and financial commitment from partner agencies where appropriate, ensuring partners make adequate contributions to provision;
- Develop and implement a clear planning and decision-making process for placements, in line with the sufficiency strategy;
- Strengthen oversight and contracting with independent and non-maintained schools to ensure value for money, including reviewing approval routes of high cost placements;
- Strengthen the EHCP annual review process in order that EHCPs can be stepped down where children and young people's needs have been met appropriately, celebrating success;
- Review and develop a clear SEND financial strategy that ensures case level decision making is strategic and appropriate.

**30.** Each PID is detailed below within tables below and detail the rationale, purpose and objective of each intervention/mitigation

### 31. Governance and accountability - PID reference: 1.1

Project Name: Governance and Accountability	PID Reference Number: 1.1
<p><b>Rationale</b></p> <p>Governance and accountability have not been robust enough across the local authority and partners to manage and have clear oversight of the SEND (special educational needs and/or disabilities) system as a whole, including the statutory processes and procedures. Revised governance arrangements need to be developed to ensure that leaders at the highest levels in the local authority and across the partnership take full responsibility for SEND through increased scrutiny, challenge and full financial oversight.</p> <p>To ensure that resources are being managed as effectively and efficiently as possible to achieve the best possible outcomes for our children and young people, decisions associated with financial impact need to be made at higher tiers of management, with any high-cost placements only being made at assistant director or director level.</p> <p>All decisions relating to support need to be equitable and ensure that children and young people with SEND receive the right support, at the right time, in the right place. All decision-making panels therefore need to be robust and make appropriate decisions in an equitable manner by effectively following the graduated approach. The SEND toolkit needs to be fully embedded across all levels of our collective SEND system to ensure children receive the right level of support in line with their needs, including more children being supported earlier via SEND support plans.</p> <p>Overall baseline (as at January 2023 SEN2 return):</p> <ul style="list-style-type: none"> <li>• SEN Support 9.9% vs 12.8% National</li> <li>• EHCP 4.7% vs 4.1% national</li> <li>• Increase in all EHCPs 18% vs 10% national</li> </ul>	
<p><b>Objective/Purpose</b></p> <ol style="list-style-type: none"> <li>1. Strengthen SEND governance, accountability and oversight arrangements, including stronger financial oversight and authorisation, to ensure scrutiny, challenge and full financial oversight is provided from the leaders at the most senior levels</li> <li>2. Facilitate delivery of transformational changes to improve the local SEND system for children and young people through an increase in dedicated capacity with appropriate skills and knowledge</li> <li>3. Ensure clear, robust and equitable decision-making systems and processes are in place across education, health and care for decisions relating to placements, provision and funding, including specific arrangements for complex cases, to provide accountability across the workforce and a consistent approach that enables all children and young people to have access to the correct provision and levels of support</li> </ol>	
<p><b>Overall Impact Measures</b></p>	
<p>% growth of mitigated EHCP forecast</p>	
<p>Forecasted overall cost avoidance targets achieved (year on year)</p>	

### 32. Rebalancing the profile of plans and strengthening annual reviews - PID Reference: 1.2

Project Name: Rebalancing the profile of plans and strengthening annual reviews	PID Reference Number: 1.2
<p><b>Rationale</b></p> <p>Our profile of plans in mainstream education is showing an imbalance in the levels of support, compared with levels of needs. We need to ensure that there is a consistent approach to providing support to our children and young people to ensure their needs can be met, progress is made and they are achieving outcomes at each age and phase of education.</p> <p>Currently, outcomes are not SMART and preparing for adulthood is not embedded from early years through all age provisions. Preparing for adulthood (PFA) will now be embedded from early years across all ages to ensure that our children and young people are well prepared and are making the desired progress on their outcomes.</p> <p>Our current annual review process is not sufficient and strong enough to celebrate and evidence children and young people's success. Therefore, we need to undertake a full review of the current process for annual reviews. A robust system then needs to be embedded which includes evaluating children and young people's progress whilst also celebrating their educational achievements.</p> <p>Baseline (as at January 2023 SEN2 return):</p> <ul style="list-style-type: none"> <li>• 3 pre-16 EHCPs (Education, Health and Care Plans) ceased in 2022 (calendar year)</li> <li>• 141 post-16 EHCPs ceased in 2022 (calendar year), of which - 22 moved to higher education; 43 moved into paid employment; 65 no longer wanted to continue in education, employment or training; 9 needs were met without a plan; 2 were other</li> <li>• SEN Support 9.9% vs 12.8% National</li> <li>• Profile of plans: Hourly support shows peaks at 25 and 32 hours representing two-thirds of all EHCPs in mainstream education (as at December 2023)</li> </ul>	
<p><b>Objective/Purpose</b></p> <ol style="list-style-type: none"> <li>1. Rebalance the profile and improve the quality of EHC plans for children and young people in pre-16 education to ensure their plan, support and setting is appropriate, aligns with need, and is supporting them to make progress towards their outcomes</li> <li>2. Rebalance the profile and improve the quality of EHC plans for children and young people in post-16 education by embedding preparing for adulthood across the system, and upskilling and raising the confidence of the wider workforce and key stakeholders on preparing for adulthood, SMART outcomes and the offer in adult social care</li> <li>3. Review and refine the process and guidance for EHCP annual reviews and ensure effective processes and training on annual reviews are embedded</li> </ol>	
<p><b>Overall Impact Measures</b></p>	



% Increase in number of plans ceased “needs met without a plan”
Reduced average cost of top up in a mainstream educational setting (illustrating changing support profile of EHC Plans)
Increase in change of placements from specialist educational provision to mainstream educational provision (measure to be developed)

### 33. Banding and Top-up Funding – PID Reference 1.3

<b>Project Name: Banding and Top-up funding</b>	<b>PID Reference Number: 1.3</b>
<b>Rationale</b>	
<p>We are currently operating an hourly funding model for children and young people with Education, Health and Care Plans (EHCPs) in mainstream education. The use of hours as a proxy measure for funding can cause confusion and does not accurately represent the many different ways in which effective support can be provided in practice to meet the individual needs of a child or young person with an EHC Plan. Previous high needs funding work supported the development of a more flexible model.</p> <p>In our special schools, we currently operate a fixed rate for all children and young people. This rate is different for each specialist provision.</p> <p>The intention for Cheshire East is to remove the use of hours for expressing funding associated with EHCPs and implement an equitable banding system that supports access to provision and support for children and young people with EHCPs across all age ranges and setting types (including mainstream and specialist). Our new system will also need to facilitate settings to provide innovative support that enables children and young people’s growing independence and is in line with national research about effective support for children and young people with SEND (special educational needs and/or disabilities). Changing from expressing total funding in ‘hours’ to a band with a financial amount will allow more flexibility for schools and settings to provide required support and provision creatively, modernise our systems and remove any confusion for parents/carers, young people, schools/settings and other professionals. The change will also align our systems with Department for Education (DfE) guidance and national intended changes to move to a national banding system for SEND High Needs Funding, as part of the DfE SEND and Alternative Provision Improvement Plan. As part of developing and implementing the new banding system, we will review our top-up funding levels to ensure that they match the level of provision required.</p>	
<b>Objective/Purpose</b>	
<ol style="list-style-type: none"> <li>1. Introduce a banding system for the allocation of funding associated with EHCPs across all age ranges and all institutions, which provides an equitable system for all children and young people, accurately represents children and young people’s needs and is aligned to national plans</li> <li>2. Provide fair and appropriate funding and support to all children and young people with EHCPs that enables them to be effectively supported to make progress towards their individual outcomes</li> <li>3. Provide flexibility to schools and settings to facilitate delivery of effective, high quality and more inclusive provision</li> </ol>	

Overall Impact Measure
Forecasted overall cost avoidance targets achieved (year on year)

### 34. Graduated Approach – PID reference: 1.4

Project Name: Graduated Approach	PID Reference Number: 1.4
<b>Rationale</b> <p>Currently there is a lower-than-average number of children on SEN support, compared to the national level. Data is evidencing that schools and settings are not consistently utilising the SEND Toolkit and embedding the graduated approach, therefore resulting in an increased number of Education, Health and Care (EHC) needs assessment requests and Education, Health and Care Plans (EHCPs), where needs should be met through SEN support.</p> <p>Reasonable adjustments are not being made to ensure that most children and young people with special educational needs are able to access and have their needs met within mainstream provision, so they enjoy the same opportunities as their peers wherever possible and are fully included within their communities.</p> <p>We will now move to endorse and embed findings from the SEND and Alternative Provision Improvement Plan, to ensure all children have access to the right support, at the right place, at the right time.</p> <p>We are not currently embedding the graduated approach across all settings, and this is not consistently being used. All schools now need to embed the Cheshire East SEND Toolkit, to enable more children to be supported at SEN support and have their identified needs supported earlier with co-ordinated support packages to improve their outcomes.</p> <p>We will enhance and build on the skills of SENCOs and teaching staff within our mainstream schools and settings. We will launch a specialist outreach programme which will provide our schools and settings with early intervention and prevention support, directly in a classroom environment to support children and young people to remain in mainstream provision where appropriate. We will promote and embed the use and application of the SEND Toolkit to embed inclusive practice in mainstream settings.</p> <p>We will build on the transformation of the early years forum to ensure early identification of children's needs are identified at the earliest opportunity. This will ensure a reduction of the need for EHCPs as children will receive early interventions and support to prevent escalation.</p> <p>Baseline (as at January 2023 SEN2 return):</p> <ul style="list-style-type: none"> <li>• SEN Support 9.9% vs 12.8% National</li> </ul>	

- EHCP 4.7% vs 4.1% national
- Increase in all EHCPs 18% vs 10% national

#### Objective/Purpose

1. Embed a culture of inclusion across the whole of Cheshire East to share good practice, create a coherent education system and enable every child and young person to access the provision they need
2. Build on the newly enhanced SEND Toolkit and embed the graduated approach across all schools and settings
3. Improve quality and efficacy of SEN support plans to ensure children and young people are effectively supported to achieve improved outcomes through supporting as early as possible and preventing escalation of need
4. Upskill schools/setting and partners with strategies and interventions to identify children and young people's needs and how to effectively support them
5. Revision of advice template for Educational Psychologists by EPs and other services to ensure the clear objectives of ordinarily available inclusive provision and quality first teaching are separate to the additional advice being given, thereby ensuring it is clearer for plan writers and parents to see the advice being provided
6. Develop a specialist outreach programme to improve access to early intervention
7. Monitor effectiveness of recently developed early years arrangements to ensure they remain effective around early identification and support

#### Overall Impact Measure

% growth of mitigated EHCP forecast

Reduced number of change of placement requests to a specialist provision (measure to be developed)

### 35. Review of Cheshire East Specialist Provision and Capital Programme – PID reference: 1.5

**Project Name: Review of Cheshire East Specialist Provision and Capital Programme**

**PID Reference Number: 1.5**

#### Rationale

Data and feedback tell us that too many of our children and young people with special educational needs and/or disabilities (SEND) are required to travel long distances to access appropriate, specialist educational provision. This is a result of the available provision within Cheshire East not matching our current needs. The current shortfall of SEN places across the borough means that we are highly reliant on external specialist provision to fill the gap, which is often outside of the borough and is usually independent or non-maintained provision. This results in children and young people experiencing long, daily journey times and being away from their local communities and support networks. These placements are also often high cost, combined with further high travel costs, and do not always improve outcomes for our young people.

Our 'TOGETHER' vision for children and young people in Cheshire East aims to make Cheshire East a great place to be young, where our families and communities are strong and supportive, and where differences are respected and celebrated. We believe that children are best supported within their families and their communities, and we aim to ensure that our children, young people and families have the right support at the right time from the right people. We therefore want to ensure that children and young people with SEND can access effective support to meet their individual needs from high quality provision within their own communities. We want to improve outcomes for our children and young people whilst ensuring they are local to existing family and friends networks and community provision, thereby enabling continuity of support and care.

To achieve this, we know that we need to develop and further enhance provision within Cheshire East. By increasing the capacity, availability and quality of local provision within our borough, we can increase choice for families, reduce journey times, and increasingly supporting pupils to be part of their local community, whilst also reducing placement and travel costs and making better use of our resources.

To improve the capacity, availability and quality of local provision, we need to understand how current local specialist provision (including special schools, resource provisions and SEN units) is being used, and ensure that the right children are being placed in the right type of provision and that their needs are being met and outcomes achieved. We also want to build on previous extensive work to develop our SEND sufficiency statement and further grow our own local specialist provision through a SEND provision plan which will set out the steps we need to take. This will allow us to drive, track and evaluate our progress. Through the development and expansion of specialist provision within Cheshire East, we will ensure that children and young people's needs can be met within high quality specialist settings locally and support them to achieve the best possible outcomes.

Baseline (as at January 2023 SEN2 Return):

- 545 children and young people placed in a non-maintained special school, independent special school or specialist post-16 institute (14% of all EHCPs)
- 910 children and young people placed in special schools (this includes 203 in other local authority special schools), resource provision or SEN unit (23% of all EHCPs).

### Objective/Purpose

1. Review existing local specialist provision (including special schools, resource provision and SEN units) and their current designations, in order to understand current use, identify potential improvements and gaps, and assess whether children are being placed in the correct placement types to meet their needs
2. Assess opportunities to secure placements in local, in-borough provision for more of our children and young people with SEND
3. Expand, further develop and grow our own local specialist provision to ensure children and young people's needs can be met within their local community
4. Provide further support to address the placements imbalance resulting from the shortfall of SEN places across the borough through the use of creative commissioning and developing and implementing supporting policies

Overall Impact Measure
% of children and young people in a specialist placement (including RP, SEN unit or special school)
% of children and young people in non-maintained special school, independent special school or specialist post-16 institute

### 36. Transition – PID reference: 1.6

Project Name: Transition	PID Reference Number: 1.6
<b>Rationale</b> <p>We have identified that children, young people and families do not currently feel confident and supported through transition points. Data shows us that we have high levels of Education, Health and Care (EHC) needs assessment requests at transition points for early years, primary to secondary and post-16.</p> <p>We will review the transition processes and procedures and work 2 years ahead to start to identify children at transition points. The review will strengthen each age and phase from early years through to adulthood and develop and embed clear and consistent processes to support young people into adulthood with paid employment, good health, independent living, and friends, relationships and community inclusion.</p> <p>The aim will be to support the majority of children and young people with special educational needs to have their needs met within mainstream provision and further education settings, so they enjoy the same opportunities as their peers wherever possible and are fully included within their communities.</p> <p>To support children remaining in mainstream provision where appropriate, dedicated work will take place with the Parent Carer Forum (PCF) and parents/carers to support them to feel more confident and help to evidence the support their children will have in mainstream provision.</p>	
<b>Objective/Purpose</b> <ol style="list-style-type: none"> <li>1. Re-design and enhance the transition process and develop clear expectations regarding transition to ensure that children, young people and families are supported and confident at key transition points (from early years through to adulthood) to reduce escalation of need</li> <li>2. Develop resources, information and support for children, young people and families to ensure knowledge and build confidence regarding transition phases of education and provision/pathways</li> <li>3. Co-produce and deliver a two-year tailored training programme for all schools and settings to ensure understanding of the transition process and the offer in the next phase of education</li> </ol>	
<b>Overall Impact Measures</b> <p>Reduced number of needs assessments requested at a transition point (measure to be developed)</p> <p>Reduced number of decisions to issue EHCP at a transition point (measure to be developed)</p>	

### 37. Alternative Provision and EOTAS – PID reference: 1.7

Project Name: Alternative Provision and EOTAS	PID Reference Number: 1.7
<p><b>Rationale</b></p> <p>We need to develop and enhance the way in which we deliver alternative provision and arrangements for EOTAS (education other than at school) to ensure that all children and young people can access the right support, at the right place, at the right time.</p> <p>Currently there is a large cohort of children in Key Stage (KS) 3 and KS4 who attend the secondary pupil referral unit (PRU) following permanent exclusion. Many of these children stay longer than required, particularly if they are in the KS4 cohort. We therefore need to build a stronger offer of alternative provision and develop clear plans to support this cohort of children to return to mainstream provision, so they enjoy the same opportunities as their peers wherever possible and are fully included within their communities. Work with our pupil referral unit will take place to look at the number of places we commission and give opportunities for schools to buy places which in turn will reduce costs and enable a new funding model to be achieved.</p> <p>There has been an increase in the number of children educated other than at school (EOTAS). A full review of current EOTAS processes and arrangements will take place to ensure that children's EOTAS arrangements evidence educational outcomes, with clear provision working to support achieving these outcomes, plus clear progression routes into appropriate settings with robust timescales.</p> <p>A review of existing in-house services, such as the Medical Needs and Sensory Inclusion services, is needed as part of assessing how children and young people can be supported differently to achieve improved outcomes through a strengthened and more connected alternative provision offer whilst also achieving efficiency savings and maximising use of resources.</p> <p>Baseline:</p> <ul style="list-style-type: none"> <li>• PRU spend £1.4m 2023-24</li> <li>• Medical Needs and SEN Tuition £0.9m 2023-24</li> </ul>	
<p><b>Objective/Purpose</b></p> <ol style="list-style-type: none"> <li>1. Ensure a strengthened alternative provision offer is in place in Cheshire East that better supports children and young people to make timely progress and reintegration to mainstream education, as appropriate, through a review of existing alternative provision arrangements, including the PRU, and exploration and development of alternative models</li> <li>2. Ensure clear and robust systems are in place to agree, track, monitor and review children and young people educated other than at school, to support successful progress towards their individual outcomes and progression into settings, as appropriate</li> </ol>	

3. Review existing in-house services and their future role in a strengthened and more connected offer to support children and young people to achieve improved outcomes

#### Overall Impact Measures

Reduction in average length of placements for children attending the PRU / in alternative provision (measure to be developed)

Reduction in overall spend for alternative provision and EOTAS (measure to be developed)

Reduced number of children with EOTAS arrangements (measure to be developed)

### 38. Partnership collaboration and financial sustainability – PID reference: 1.8

**Project Name: Partnership collaboration and financial sustainability**

**PID Reference Number: 1.8**

#### Rationale

To effectively improve outcomes for our young people with SEND whilst also achieving and maintaining financial sustainability, it is crucial that all partners across the local SEND system work together to make best use of our shared resources. We need to improve partnership involvement in SEND financial management and oversight, including stronger oversight of the high needs block of the dedicated schools grant (DSG).

We want to further build on the relationship between the local Schools' Forum and Cheshire East Council colleagues to provide greater understanding of the pressures on the high needs block and work collectively to manage the high needs system. We will establish a new Schools' Forum subgroup to support shared communication and joint working in this area.

We need to make sure we as a SEND system are using all elements of our DSG allocation effectively and efficiently. Whilst the schools block of the DSG is ring-fenced, local authorities can transfer up to and including 0.5% of their schools block funding into another block, with the approval of their Schools' Forum. Historically our Schools' Forum has not supported a block transfer. A disapplication has been submitted each year to the Secretary of State, however this has been declined. We need to ensure that our Schools' Forum are involved in SEND funding processes and plans and understand the rationale behind such applications. We are seeking a schools block transfer to enable us to provide support and interventions, such as a specialist outreach programme, to schools, as well as contributing to offset the in-year deficit position.

In addition, we also need to improve financial oversight, collaboration and commitments from other local partners, such as health partners.

#### Objective/Purpose

1. Improve joint SEND financial oversight, ownership and related working relationship between Schools' Forum and Cheshire East Council regarding SEND and high needs block financial management
2. Seek to secure collaboration and financial commitment from partner agencies where appropriate, ensuring health partners make adequate contributions to provision as appropriate



3. Seek to secure appropriate resources for additional support and interventions for schools through schools block disapplication submission

### Overall Impact Measures

Transfer of projected funds as per disapplication submission

## 39. Commissioning – PID reference 1.9

Project Name: Commissioning	PID Reference Number: 1.9
<p><b>Rationale</b></p> <p>Successful commissioning focuses on the most effective, efficient, sustainable and equitable methods of using all available resources to improve outcomes for children, young people and their families. Effective commissioning arrangements are therefore a crucial component of a successful system for supporting children and young people with special educational needs and/or disabilities (SEND).</p> <p>To improve the effectiveness of commissioning arrangements for children and young people with SEND in Cheshire East, dedicated SEND commissioning resource needs to be developed to have full oversight of all commissioning across all areas. Service Level Agreements (SLAs) need to be robust and support providers to be held to account on their delivery, the outcomes we expect to see children making and a reduction of need.</p> <p>We are not currently meeting demand for speech and language therapy (SALT) services within current systems and via current commissioning arrangements through the Integrated Care Board, thereby creating inconsistency across provision and a lack of value for money across some commissioned services. Partners across Cheshire East will ensure children and young people have access to SALT services across each side of the borough to enable their needs to be met and to support them to achieve their outcomes. A review of the joint commissioning arrangements and SALT contract will ensure that access to this service is equitable for all children and young people.</p> <p>In addition, many independent and/or non-maintained specialist settings are requesting an uplift to fees on an annual basis. Partners across Cheshire East need to ensure that we have clear, robust and consistent systems for managing fees increases/uplifts, which are also in line with all other arrangements across schools and settings. This will include arrangements to strengthen SLAs/contracts for bulk purchasing arrangements and quality and consistency of provision across the independent sector.</p>	
<p><b>Objective/Purpose</b></p> <ol style="list-style-type: none"> <li>1. Strengthen commissioning oversight arrangements through development of dedicated SEND commissioning resource, review of all commissioning contracts and arrangements and use of clear processes and procedures around SLA and contract management arrangements</li> <li>2. Understand current levels of speech, language and communication needs (SLCN) and demand for SALT support in Cheshire East</li> </ol>	



3. Improve access to and delivery of SALT services by jointly reviewing current arrangements and identifying areas for improvement, followed by development of a redesigned model for SALT delivery
4. Consistent and robust system in place for managing fee increase requests
5. Enhance the area's purchasing power through optimised use of bulk purchasing

#### **Overall Impact Measure**

Reduced contract amount for SALT provision

Reduction in annual fee uplifts (frequency and amounts) for independent and / or non-maintained specialist provision

#### 40. Glossary

Term	Meaning
DSG Management Plan	Dedicated Schools Grant Management Plan
DBV	Delivering Better Value programme
EHCP	Education, Health and Care Plan
SEND	Special Educational Needs and Disabilities
SEN2	Special Educational Needs Survey
AY	Academic Year
NA	Needs Assessment
DfE	Department for Education
RP	Resource Provision - within a mainstream school
SEN Units	Special Education Needs Units
Special Schools	Maintained, academy, free schools, independent both within and outside of Cheshire East
NMSS ISS SPIs	Non-maintained special schools Independent special schools Specialist post 16 institutes
AP	Alternative provision
PVI	Private, Voluntary and Independent
SALT	Sensory & Speech and Language Therapy
PRU	Pupil Referral Unit
EMP	Enhanced Mainstream Provision
SI	Supported Internships
PID	Project Initiation Document
EOTAS	Educated Other Than At School

OPEN

## **Children & Families Committee**

**29 April 2024**

### **Children's Centre Re-modelling into the Family Hub Model**

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**Report of: Deborah Woodcock, Executive Director of Children's Services**

**Report Reference No: CF/57/22-23**

**Ward(s) Affected: Broken Cross, Crewe West, Knutsford, Hurdsfield, Nantwich, Sandbach, Poynton**

#### **Purpose of Report**

- 1 To update the children and families committee on the development of the family hubs transformational programme as approved on the children and families committee on the 11 July 2022.
- 2 To brief committee on the future outreach delivery model for family hubs and seek permission to carry out a consultation to repurpose up to seven of the existing children's centre buildings to meet the MTFS savings, whilst continuing to deliver the services in a more flexible way.

#### **Executive Summary**

- 3 Cheshire East is currently undertaking a transformational change programme to improve the way we deliver services to children and families at the right time in the right place.
- 4 Since our bid for family hubs transformation funding in 2022 we have repurposed five of our former children's centres into family hubs expanding services at these sites from an offer for children and families under 5 to a 0-19 offer and up to 25 for our young people with SEND. We are now looking at the best ways to offer flexible outreach services

from our family hubs to respond quickly and effectively to changing needs and priorities across our borough, improving the reach to our most disadvantaged communities to improve outcomes.

- 5 Some of the current childrens centres are not big enough to extend the reach to a 0-19 cohort and by delivering all our services at fixed locations we are not reaching all our communities in our 0-30% most deprived local super output areas (LSOAS).
- 6 We are proposing to repurpose up to seven of our children's centres that we have not remodelled into family hubs and repurpose these buildings for education delivery purposes where possible.
- 7 All services currently offered will be delivered via a family hub outreach and home visiting model within the communities that our current children's centres are based and beyond. There are numerous options for the relocation of services within our local communities including schools, libraries, community centres and with our partners within the voluntary community and faith sector.
- 8 By having fewer physical buildings to staff daily we will have the flexibility to deliver services in a flexible way across a wider geography. As an example, Sandbach children's centre covers Sandbach, Middlewich and Alsager however most families we reach from this centre are from Sandbach which is only 1 of the 3 most deprived local super output areas the centre serves. Alsager has an LSOA with the highest deprivation out of the 3 and the families who reside in this area do not travel to access their local children's centre in Sandbach. We have recently trialled a partnership with the Wesley Place Church in Alsager who were seeing up to 45 children and families weekly at their food hub serving up to 80 people. We have since been attending the food hub to engage with the community in their preferred place. We have been able to take out and model play activities that can support children's development at home, we have supported the set up of a clothes bank, ran sessions on oral hygiene and delivered our HENRY Healthy Start Brighter Future course at Wesley place with 11 families starting and 10 fully completing the 8-week program with excellent evaluation feedback from participants.
- 9 Using the Sandbach example above if we repurposed Sandbach children's centre we could potentially deliver more early years childcare from this location to support local accessibility of the new childcare entitlements. We could deliver some of our start for life activities in partnership with Sandbach Library to reach our Sandbach residents, Wesley place activities could continue for our Alsager residents, and we would have increased capacity to look for a partnership delivery venue in Middlewich to sufficiently cover all 3 of our most disadvantaged

communities within the Sandbach, Alsager and Middlewich collaborative area.

- 10 A full consultation will take place to hear the views of people who use these services, including parents/carers, residents, partners, staff, local voluntary and community sector organisations and other stakeholders so we can be sure that the proposals will meet the needs of our communities now and into the future.

## RECOMMENDATIONS

The Children & Families Committee is recommended to:

1. Approve the commencement of a formal consultation period to repurpose up to seven of the following existing children's centres for other education purposes, and a report back to the meeting in September on the results and final proposals. The centres in scope for consultation are:
  - Poynton Children's Centre
  - Knutsford Children's Centre
  - Nantwich Children's Centre
  - Hurdsfield Children's Centre
  - Broken Cross Children's Centre
  - Sandbach Children's Centre
  - The Brooks Children's Centre
2. To support the vision of a flexible outreach program from our family hubs to cover a wider geography with more flexibility to target resources.

## Background

11. As we continue to recover from the pandemic, local authorities must invest in supporting vulnerable children back into education. They must also increase wellbeing support for families and increase focus on the way we support children in the early years from conception to age two. Implementing the recommendations from The Best Start for Life - The Early Years Healthy Development Review Report by Dame Andrea

Leadsom MP, the government spending review emphasised the need for local services to join to create 'family hubs' where families can access a broad range of advice and support.

12. Cheshire East was one of 12 local authorities that was successful in a bid for a share of the government's £12m Family Hubs Transformation Fund, announced on 23 May 2022. To transition to a family hub model by September 2024.
13. Since the bid we have repurposed five children's centres and developed and opened five family hubs offering a broad range of services for children of all ages. They are:
  - a. Oakenclough Family Hub (Wilmslow)
  - b. Ashgrove Family Hub (Macclesfield)
  - c. Congleton Family Hub
  - d. Oaktree Family Hub (Crewe)
  - e. Monks Coppenhall Family Hub & SEND centre of excellence. (Crewe)
14. With a 6th one in the planning stages for summer 2024 at Crewe Lifestyle Centre.
15. In addition to our newly established family hubs, we are proposing to create a network of outreach provision as satellite services from our designated family hubs across the borough to ensure equity of service delivery across all our communities that reside in the 0-30% most deprived Local Super Output Areas (LSOAS) across our borough.
16. The family hub delivery model will evolve into a hub and spoke model. The repurposing of up to seven further children's centres will allow us to deliver outreach services from our family hubs through a flexible offer of outreach services directly provided from the local authority and a wider partnership family hub connect offer through our family hub affiliation scheme.
17. Providing outreach services across a wider geography will ensure our delivery is as close to our target audience as possible mitigating against barriers that some of our families face in accessing the current children's centres particularly from rural communities.
18. The consultation will highlight where there may be better facilities in the area to relocate service delivery across a wider area. Where there are not suitable relocation opportunities the existing children's centre would become a family hub connect site.

19. The family hub affiliation scheme promotes the services of affiliated providers within Cheshire East that form part of our family hubs core offer alongside those we directly. Through our website we will advertise the wide variety of services available in one place that our children and families can access promoting choice for families and supporting other local partners to connect with families.
20. We are delivering our family hub services across two localities: north and south, locality working brings everyone who plays an active role in improving our communities together, including organisations, businesses, groups, and residents. We have divided the borough of Cheshire East into eight collaborative areas, four in the north and four in the south. Collaboratives bring together multi-disciplinary teams who work in specific geographies to improve the lives of children and young people.
21. Regular partnership meetings have been established within each of the eight areas and the partnership have identified the top three priorities for local children and families to develop joint delivery action plans this year, alongside our JSNA this will help us to target our family hub outreach service delivery in the right places to make an impact on children's outcomes where it is most needed.
22. Partnership working and co-location is essential for the success of the family hub model and work with the voluntary community and faith sector to identify opportunities in key areas of need will be explored alongside that of other corporate services such as libraries and leisure.
23. Through our collaborative working model and family hub affiliation scheme we will also increase partnership working in the delivery of our family hub model with our voluntary community and faith sector providers. Bringing the wide range of services available in Cheshire East together through the family hub web pages on live well and the new virtual offer.
24. Our current family hub journey services will continue to be delivered across the borough we are not proposing reductions to the number of services available; instead, we are looking to spread the delivery of those services more widely and in a targeted way across our most deprived local super output areas to effectively reach our families in our most disadvantaged communities. Relinquishing some of our buildings

will provide more flexibility to offer services in the right place at the right time.

25. Repurposing the childrens centre in a particular geography does not mean that the community the centre serves would no longer get access to services when the community needs them. Communities will have access to our family hubs and a range of new outreach services. It would mean in most cases a reduction to the number of services delivered in one geography over a week. However, an increase in the number of families who have access to an outreach offer which covers a wider geography. So instead of having 5 days delivery in one geography we can spread the delivery across numerous geographies over a week.
26. We will investigate the need to develop a family hub location in Macclesfield town centre should Hurdsfield and Broken Cross both be repurposed following the consultation, bringing together services from the family centre, early years teams and libraries.
27. The children's centre sites in scope for repurposing are all situated on a shared site with a primary school making them ideal for extended education purposes where required.
28. During the consultation the future of each site identified for repurposing will be explored with our school's organisation, childcare development and SEND teams. Individual schools will then be consulted with about the repurpose plans where they are identified to benefit the school.
29. Within the revised DSG management plan, following the DfE Safety Valve Intervention Programme, one of the key mitigations to address the increasing deficit position is to increase Cheshire East's own specialist provision and to reduce the over reliance on the independent special school sector.
30. This growth of specialist provision includes additional places for resource provisions and SEN units within in mainstream schools. The repurposing of children's centres will be considered within the SEN provision plan.
31. We want Cheshire East to be a great place to be young for all our children and young people and for the vast majority this is the case. Most children in Cheshire East have a level of wellbeing and attainment



that is equal and often higher than the national average. In Cheshire East we have 244 Local Super Output Areas (LSOAS). Of the 244 only 36 are classed by the index of multiple deprivation (IMD) as being in the 0-30% most deprived. The North locality has 12 LSOAS in the 0-30% most deprived across Wilmslow, Knutsford, and Macclesfield. The South locality has 24 of which 20 are in the Crewe area and the others across Alsager, Middlewich, Sandbach and Nantwich. This model will allow us more flexibility to target our offer to the families that most need our support across all 36 LSOAS. Our Tartan rug demonstrates that families who reside in our most disadvantaged areas have outcomes in numerous areas that are worse than peers who reside in our more affluent areas. Targeting our resources in this way will bring about the biggest impact in reducing inequalities.

### **Consultation and Engagement**

32. Initial consultation will be with internal services and adjoining schools to scope out viable options for repurposing the buildings for education and childcare use – April 2024
33. The second stage of consultation will be with other service providers within the children centre reach area and those delivering from the centres to map existing provision in the local community and opportunities to deliver outreach provision from other venues- May 2024
34. The third stage will be to pull together the first 2 parts into a proposal that will go out to wider public consultation with an equality impact assessment - May 2024
35. A full consultation plan will be developed using the consultation toolkit, to hear the views of people who use these services and childrens centres, including parents/carers, residents, partners, staff, local voluntary and community sector organisations and other stakeholders so we can be sure that the proposals will meet the needs of our communities now and into the future. June – August 2024
36. The final recommendations on the individual options for each of the 7 centre proposals or alternative proposals to be brought back to committee in September 2024 for approval.

### **Reasons for Recommendations**

- 32 To achieve the £250K MTFS savings target. The premises costs involved in keeping the buildings in this proposal for repurposing open for the financial year 2023/2024 was £128,000 after deducting the £20,000 rental income. The rental income of £20,000 would still be achieved by relocating the health services from 2 of these centres into our family hubs or other corporate assets making the total savings from premises costs alone £148,000. As part of our proposals, we will pursue other rental income opportunities for family hubs. The second part of the savings proposal will come from the Start for Life supplies and services budgets that resource and maintain the equipment within these premises.
- 33 Utilising other corporate buildings and developing partnerships with other organisations means we can make savings whilst maintaining service delivery and improving access to services for more children and families.
- 34 Developing the family hubs model and outreach services will allow us to focus our resources on those services that make the most difference to families by reducing spend on administration and the maintenance and management of our buildings and delivering services across a wider geography in a flexible way in the right place at the right time to improve our reach of families who experience the most disadvantage.
- 35 Outreach services will be delivered from our main family hub locations, other council assets, in families homes and through joint delivery with partner agencies. Most importantly, it is proposed that there are no reductions to the number of services available; instead, there will be fewer buildings in which they are based and more flexibility in where we deliver them.
- 36 The repurposing of the children's centres could provide vital space which could be used to support children with SEND and in turn, support the revised DSG management plan in achieving mitigations required with the aim of becoming financially sustainable in the future.

### **Other Options Considered**

- 37 All seven children's centres could remain as they are structured currently, but this would offer limited opportunity for embedding family hub working across the borough for all age groups and would not provide the savings needed as agreed within the MTFS. If we continue to deliver in the current premises, we will continue to have an offer that isn't equitable for all our most disadvantaged communities. Delivering in one location across a week achieves a high volume of contacts with a small number of the population. Delivering services in multiple different locations within a week improves our reach of the Cheshire East population taking services to the people that need them the most.

Option	Impact	Risk
<p>Do nothing – Family hub outreach services for early years children would continue to be delivered in all our existing childrens centres.</p>	<p>MTFS savings would not be achieved, the council will continue to pay the same premises and administration costs.</p> <p>Outreach Service delivery is determined by building location rather than community need risking not being accessible for the children &amp; families who need them the most.</p> <p>Delivering from a set number of buildings reduces the opportunity to cover a wider area of the borough so the children and families who currently struggle to access services will continue to do so.</p> <p>Limited options for partnership working with the voluntary community and faith sector to upskill a wider workforce.</p>	<p>High.</p>

## Implications and Comments

*Monitoring Officer/Legal*

- 38 The Council has a statutory duty to promote co-operation between local partners other councils, police and health services, to improve the wellbeing of children in the widest sense. The long-term vision within the proposals is aimed at meeting those obligations by the delivery of a family hubs model. This report provides an update as to progress to date on the family hubs model following receipt of grant funding.
- 39 As the proposals are supported by grant funding, the conditions of that funding must be kept under constant review to ensure compliance.
- 40 The consultation on the current proposals, must comply with the Gunning principles to ensure that any subsequent decision is legitimate. These require that;
- (a) Proposals are still at a formative stage
  - (b) There is sufficient information to give ‘intelligent consideration’ to what is being proposed
  - (c) There is adequate time for consideration and response
  - (d) ‘Conscientious consideration’ is given to responses before any decision is made.

#### *Section 151 Officer/Finance*

- 41 The council approved the 2024/25 MTFS in February 2024, this included a Policy change item to “Deliver the Family Hub Model” with an associated saving of £250k.
- 42 As the work progresses, and consultations are carried out, the savings which could be delivered through each site repurpose will be calculated and measured against the £250k target.
- 43 The savings will be achieved on administrative and running costs of the buildings. This does not include any reduction in non-site-specific service that could be based in any site, for example family support. This will allow us to focus our reduced resources on delivering services that best meet the needs of families.

#### *Policy*

44

<b>An open and enabling organisation</b> <ul style="list-style-type: none"> <li>• <b>Ensure that there is transparency in all aspects of</b></li> </ul>	<b>A council which empowers and cares about people</b> <ul style="list-style-type: none"> <li>• <b>Work together with residents</b></li> </ul>	<b>A thriving and sustainable place</b>
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<p><b>council decision making</b></p> <ul style="list-style-type: none"> <li>• Listen, learn and respond to our residents, promoting opportunities for a two-way conversation</li> <li>• Support a sustainable financial future for the council, through service development, improvement and transformation</li> <li>• Promote and develop the services of the council through regular communication and engagement with all residents</li> </ul>	<p><b>and partners to support people and communities to be strong and resilient</b></p> <ul style="list-style-type: none"> <li>• Reduce health inequalities across the borough</li> <li>• Protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation</li> <li>• Be the best Corporate Parents to our children in care</li> <li>• Support all children to have the best start in life</li> <li>• Increase opportunities for all children and young adults with additional needs</li> <li>• Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential</li> </ul>	<ul style="list-style-type: none"> <li>• A great place for people to live, work and visit</li> <li>• Reduce impact on the environment</li> </ul>
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- 45 An Equality Impact Assessment has been completed for the development of family hubs and will be updated prior to commencement of the formal public consultation.

#### *Human Resources*

- 46 Any staff who have a childrens centre as their current base that is repurposed would be relocated to the closest family hub. The relocation policy and procedure will apply.

#### *Risk Management*

- 47 There is a risk that stakeholders will view the repurposing of children's centres as them closing. We will develop a comprehensive communication and consultation plan, which includes coproduction with stakeholders to ensure that family hubs are recognised as a key vehicle to deliver services, including through outreach and digital options.
- 48 There is a risk that the committee does not agree to repurpose the existing children's centres. This will significantly impact on the delivery of family hubs outreach provision. It would also impact on the proposed savings set out within the MTFs and alternative savings from children's services would need to be identified.

#### *Rural Communities*

- 49 The family hubs virtual offer launched on the 1 April 2024 making it easier for families to find local services and access content online. The family hub connect outreach offer will broaden the geography that services can be delivered across.

#### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 50 Cared for children are classed as a vulnerable cohort of children and can access the targeted and core offer of services across the full age range of services. The outreach model gives more flexibility to deliver to vulnerable cohorts at the right place and the right time.

#### *Public Health*

- 51 The proposal for family hubs is to build upon our child health hubs to offer health services for families from pre-birth to age 19 (or 25 for SEND children). Any Health services operating from childrens centres that are repurposed would be relocated to a family hub or another suitable venue within the community as part of the consultation process with stakeholders.

*Climate Change*

- 52 The family hub virtual offer will allow families to access support and advice without the need to travel if this is their preference. A wider variety of outreach activities will bring services closer to our most disadvantaged communities. Travel may increase for families who prefer face to face interaction with universal services and live in the more affluent areas of the borough many of these families already travel from one centre to another across the borough to access a variety of activities.

<b>Access to Information</b>	
Contact Officer:	Danielle Holdcroft, Head of service Early Years, Family Help & Prevention.  danielle.holdcroft@cheshireeast.gov.uk
Appendices:	N/A
Background Papers:	<a href="https://www.cheshireeast.gov.uk/family-hubs">Family Hubs (cheshireeast.gov.uk)</a> <a href="https://www.cheshireeast.gov.uk/locality-working">Locality working (cheshireeast.gov.uk)</a> <a href="https://www.gov.uk/government/publications/family-hubs-and-start-for-life-programme-local-authority-guide">Family Hubs and Start for Life programme: local authority guide - GOV.UK (www.gov.uk)</a>  Revised DSG Management Plan 2024/2025 to 2030/31 following the DfE Safety Valve Intervention Programme – Children and Families Committee 29 April 2024

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*Working for a brighter future together*

## **Children and Families Committee**

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<b>Date of Meeting:</b>	29 April 2024
<b>Report Title:</b>	Household Support Fund Grant 5 Delivery
<b>Report of:</b>	Deborah Woodcock, Executive Director of Children's Services
<b>Report Reference No:</b>	CF/49/23-24
<b>Ward(s) Affected:</b>	All

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### **1. Purpose of Report**

- 1.1. This report updates the Children and Families Committee on the Household Support Fund 5 (HSF5) grant awarded to Cheshire East and seeks delegated approval to deliver the fund in line with the proposals set out in this paper.

### **2. Executive Summary**

- 2.1. Following the government's Spring statement, at the start of March 2024 the Department for Work and Pensions (DWP), announced the HSF would be receiving an extension of £500m worth of funding and would be called HSF5.
- 2.2. HSF5 funding allocations provide Cheshire East with £2.2m over a 6-month period. We believe the expectation will be that the funding will continue to be used to support households in Cheshire East with food, utilities, and other essentials from 01 April 2024 to 30 September 2024.
- 2.3. This paper seeks agreement from the Children and Families Committee, through delegated powers, to consider a refreshed approach to HSF delivery, seeking approval the delivery option provided within the paper for both the children and adult element of funding, pending grant determination.

- 2.4. Our new proposed model of approach is far more targeted towards financial deprivation than previous delivery, which focussed on a wide footprint, low impact approach, with the proposal to transform it into a highly targeted footprint, high impact approach.
- 2.5. For children and their families, this would mean providing bespoke payments which were approved by the funding panel set out below. The fund would also provide an enhanced offer to the community by providing funding to key partners within the VCFS sector. We need to consult further with adult services to design their HSF offer should this be within the grant conditions.
- 2.6. The paper also notes the risks of transitioning from the previous delivery protocol, whilst providing strong reasoning as to why the revised approach is necessary.

### **3. Recommendations**

- 3.1. The children and families committee are recommended to:
- i. Note Cheshire East's estimated HSF5 grant allocation of £2.2m in 2024/25.
  - ii. Recommend to full council on the 15 May 2024 to approve the supplementary estimate of £2.2m.
  - iii. Endorse the proposed allocation of the grant, eligible cohorts and payment arrangements set out in this paper.
  - iv. Delegate authority to the Executive Director of Children's Services to incur expenditure in line with the HSF5 grant conditions.

### **4. Reasons for Recommendations**

- 4.1. The final allocation and delegation to the Executive Director of Children's Services is required to spend the grant. This delegation enables the fund to be allocated effectively to those residents most in need in Cheshire East.
- 4.2. Full council is required to approve the supplementary estimate of £2.2m to accept the grant into the council's budget. We need to have it noted however that we have been given notice of the new wave of funding 2 weeks prior to it needing to be implemented as of 1 April. This doesn't then align with approvals going through committee and full council in a timely way before we need to make decisions and implement.
- 4.3. It is proposed that Cheshire East amends its delivery approach to enhance the targeted nature of the grant, increasing the impact of the grant on our most vulnerable residents.
- 4.4. The HSF grants will contribute to the delivery of the outcomes in the corporate plan under the priority to be a council that empowers and cares

about people. Both adults and children and young people who suffer the greatest inequality in terms of lack of household income will directly benefit from this grant.

- 4.5. With the discontinuation of emergency assistance, there will be a gap for essential financial support to the community, which the HSF5 programme can fill.
- 4.6. The proposed recommended delivery of the HSF5 fund in Cheshire East is based on learning from 4 years of delivery, consultation with VCFS organisations, adults and children and best practice from other local areas.

## 5. Other Options Considered

- 5.1. The second option available is to continue to deliver the grant as per previous delivery methods. This would mean delivery of the children and families' portion of the grant through bulk releases in Easter and Summer 2024 (with the Easter offer backdated), for the enquiry form to retain its existence in its current form. In addition, the pensions bulk release would also be retained. Although this option provides a wide scope of recipients, it dilutes the grant's ability to target the people in the highest need. This option also carries increased administrative pressures upon our delivery partners (schools, colleges, etc.) and internal Cheshire East teams.

Setting type	Number of settings
Early Years	176
Primary Education	123
Secondary Education (setting may have post 16 setting)	24
Special School Education	6
Voucher only settings (Special Education outside of CE)	18
Colleges (separate to Secondary who have post-16)	3

- 5.2. For HSF4, and previous iterations of this scheme, we prioritised groups for bulk release with the very best of intentions. One such group was the children who received free school meals (FSM). We are however aware that once a child is in receipt of FSM, they will continue to receive them, even if the financial situation for the family improves significantly just a month later. Whilst this is therefore means tested at point of award, it is not a means tested approach to distributing funding to those in current financial need.
- 5.3. We also prioritised groups including all children in receipt of 2-year funding, all known children who are young carers and all those young people who are care leavers. These again are not necessarily a financially means tested cohort.

- 5.4. In the past, there has been an average redemption rate across bulk voucher releases of 74% of the vouchers, meaning 26% have been unused\*. This highlights the inefficiency of targeting a wide scope of grant recipients. Whilst we didn't waste this money, as ensured we had processes in place to draw back this funding, it has demonstrated that the vouchers either didn't go to the right people as they weren't required upon issue, or our methods of distribution weren't as robust as they needed to be.
- 5.5. We are aware that there have been considerations made in the MTFS savings targets for the Corporate Benefits team who currently distribute a lot of our vouchers. We would need to ensure that any future plans don't undermine any decisions that have already been made.

• Figure taken from summer 2023 bulk children and family release.

We do not recommend this option due to the reasons listed above.

## 6. Background

- 6.1. Over the last three years, several temporary grants and funding initiatives were introduced in recognition of the hardship placed upon families and individuals. This included the 'COVID Winter Grant Scheme' (December 2020 – April 2021), the 'COVID Support Grant' (April 2021 – September 2021), the Household support Fund (October 2021 – April 2022), the Household support Fund 2 (April 2022 – October 2022), Household support Fund 3 (October 2022 – March 2023) and Household Support Fund 4 (April 2024 – March 2024). Families and adults have been supported by these grants via e-vouchers through early years settings, schools, colleges, and wider support services to families who were vulnerable to financial hardship due to the impact of the pandemic. Direct payments to eligible pensioners have also been ongoing alongside an online enquiry form.
- 6.2. Over 10,000 children and families across Cheshire East have been supported by these grants alongside over 8,000 adults and pensioners, with a total of over 200,000 vouchers provided and over £13mn in funding. The council also ensured that families in need of replacement goods, such as fridges, cookers and washing machines, were helped, and benefited from a partnership involving schools, colleges, the NHS, council services and third sector organisations to identify families in need. A similar process was in place for adults who needed assistance.
- 6.3. A summary of the grant conditions from the HSF5 guidance is as follows: the Household Support Fund in England allocates £421 million to County Councils and Unitary Authorities for aiding vulnerable households with essential expenses from April 1, 2024, to September 30, 2024. Authorities have discretion in fund allocation but must adhere to set guidelines.

Collaboration between the Department for Work and Pensions (DWP), local councils, and delivery partners is crucial. The objective is to address immediate needs like energy, water, and food bills, with a focus on long-term impact. Authorities may provide support through cash, vouchers, or in-kind assistance. Eligible expenses include energy and water bills, food, essential household items, and advice services. Housing support should prioritise bills, considering existing schemes like Universal Credit and Housing Benefit. The fund cannot cover mortgage payments but may assist with historic rent arrears in emergencies. Awards vary based on household needs, with emphasis on sustainability, fraud prevention, and continuous support throughout the funding period. Unused funds must be spent or committed before September 30, 2024.

## **7. Cheshire East's grant allocation**

- 7.1. On 6 March 2024 the Chancellor confirmed that the Household Support Fund is extended for further six months from 01 April 2024 to 30 September 2024. This extension is yet to be followed by a final DWP letter and guidance, setting out the grant conditions. This is a new scheme, and the council cannot carry forward any underspends from previous DWP grants. Cheshire East's expected allocation is £2.2m.
- 7.2. We expect most elements of the HSF to be in line with the previous grant, with no ring-fencing to continue, and for councils to continue to be provided with significant flexibility in their delivery plans, requesting individual local authorities design their own plans to maximise the grant's footprint.
- 7.3. The aim of the HSF5 will be to provide support to vulnerable households in most need. In Cheshire East we are proposing to use the £2.2m fund to support vulnerable households with food, utilities and other essentials between March 2024 and September 2024 as flexibly as we can to meet need.

## **8. The Family Support Funding Panel**

- 8.1. The new delivery method proposes the setting up of a new Financial family support panel. The panel will be chaired by the Head of Service for Early Help and Prevention who strategically manages the HSF and Holiday Activity and Food scheme currently. In her absence an equivalent peer would authorise sign off. There would then be representatives from Children's Social Care, Early Help, Education, Health and SEND. The panel will also be attended by Finance and the project team to provide corporate support and grant assurance of grant compliance.
- 8.2. The panel will receive referrals from officers from Early Help and Children's Social Care where financial support is required. These referrals will be

completed by the worker and signed off by their managers prior to presentation at the panel. The panel will be provided significant flexibility in the support they can offer, who are briefed with providing long term impactful solutions with the funding.

- 8.3. The grant team are proposing the new panel delivery method to further enhance the targeted nature of the programme.
- 8.4. Most significantly, the redemption rates noted in section 5.4 were paired with high repeat application rates of the enquiry form. As recipients of the enquiry form have been maximising their support via the grant, this demonstrates we were not creating long term solutions to people's financial problems. With additional funding released from no longer providing bulk payments, we could be more flexible with the funding and ensure that it isn't just meeting a short-term need, for example a £20 voucher for food that will only be useful for a couple of days. We are also keen to look at how we consider how Section 17 funding is issued to families most in need and how we can align this process to that, or indeed, be transformational and combine the 2 should grant conditions allow.
- 8.7 As well as targeting the grant in an optimised fashion, it is worth also noting that the grant is not a replacement for Free School Meals (FSM) . As the vouchers have historically been aligned with school holiday periods, there is a risk that the vouchers are viewed as a replacement for holiday FSM vouchers. However, as highlighted in the DWP grant conditions, the HSF is not intended to provide FSM holiday vouchers. As a result, there is an expectation within the community that the vouchers will be released during school holidays and that some parents may be expecting or depending on them. As the grant is only temporary, this is creating a scenario where there is a dependency within the community for a potentially time limited resource.

We are also aware of the duplication between issuing food vouchers via HSF and then encouraging the same children to attend the holiday activity and food programme which also provides a nutritious meal every day plus snacks whilst also engaging in quality social activities.

- 8.8 Dependent on grant conditions and eligible cohorts, we would also like to explore issuing a % of the grant funding to our food banks who we know support the most financially vulnerable in society. Whilst we appreciate this is only 6 months funding, we feel they would greatly benefit from some stock piling of commodities for the period the scheme is running and thereafter, when the funding has ceased. This would help to mitigate some risk to the funding potentially ending in September 2024.

## 9. Grant cohorts

- 9.1. The grant will predominantly support individuals who are known to Early Help and Children's Social Care. These could include those who are eligible for free school meals (FSM), early years pupil premium (EYPP), two-year-old funded (2Y/OF), care leavers aged between 18 – 25, young people aged 16 – 18 who are not in education, employment or training (NEET) and young carers. These families will receive support as approved by the Funding Family Support Panel. This approach also means those families will be in receipt of wrap around support in addition to financial support to ensure longer term outcomes and financial stability are being addressed. We would expect that families who are in need financially and are seeking support for this need to at least be engaged in extra help support plans if not targeted or social care to ensure that root cause and longer-term sustainability planning can be achieved.
- 9.2. We predict our recommended delivery option to support over 2,500 people over a 6-month period.
- 9.3. A cross-service steering group, chaired by the Head of Service for Prevention and Early Help, oversees eligibility and development of the HSF currently and it is proposed that this continues.
- 9.4. This delivery method would sit within a wider context of poverty support being provided to individuals via Section 17 payments and other children's social care.

## 10. Payments

- 10.1. As we expect the budget to remain the same, over the space of the next 6 months, the budget will allow for significant payments to be made to children and adults. With this new approach, we are recommending we lift the limit on payments to families.
- 10.2. Previously, £160 per year was paid to a wide range of children and families. With HSF5 new panel delivery approach, we will be able to lift the ceiling of payments and support the most vulnerable with more appropriate payments, resulting in long term improvements in their life chances.
- 10.3. This approach is a diversion from the previous delivery approach, which focussed on a wide footprint low impact approach, transforming it into a highly targeted footprint high impact approach.
- 10.4. The new approach will provide flexible support for any need required as deemed appropriate by the panel.



- 10.5. Payments to children and families aligned with key school holiday periods (Easter, summer, Christmas) will no longer happen with the new optimised method of delivery.
- 10.6. In terms of payments to adults, we await the specifics within the grant conditions. We expect we will need to provide a portion of the funds to adults during 2024/25 as we did in HSF4 through a post office payment.
- 10.7. The project team are entering into consultation with the VCFS sector to explore how to compliment the panel process. We expect we will support the VCFS sector with a portion of the funds going forward such as food banks but would like to engage in meaningful conversation about this should the grant conditions and DLT, CLT, Committee sign off endorse this approach.

## **11. Legal Implications**

- 11.1. Additional funding has been made available by the DWP to Local authorities and covers the period from 1 April 2024 to 30 September 2024. Local authorities have full discretion on how the funding is to be used as long as it is in accordance with the guidance set out in the household support fund grant determination (yet to be confirmed by DWP).
- 11.2. Local authorities are expected to administer the HSF and provide assistance to households most in need to help with significantly rising living costs. Despite the fact that this is an extension to the previous household support fund schemes, it is a new grant subject to its own grant conditions as is set out in the grant determination letter (yet to be confirmed by DWP).
- 11.3. Underspends from previous schemes cannot be carried forward and funds should be spent or committed before 30 September 2024 as they cannot be held over for future usage (yet to be confirmed by DWP).
- 11.4. When administering the fund, authorities are encouraged to adopt the following principles (all yet to be confirmed by DWP and subject to change):
  - use discretion on how to identify and support those most in need, taking into account a wide range of information;
  - use the funding from 01 April 2024 to 30 September 2024 to meet immediate needs and help those who are struggling to afford energy and water bills, food, and other related essentials. Authorities can also use the funding to support households who are struggling to afford wider essentials;
  - in exceptional cases of genuine emergency, the funding can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.



- this includes payments made, or committed to, by the authority or any person acting on behalf of the authority, from 01 April 2024 to 30 September 2024.
  - work together with district councils and third parties, including where necessary and appropriate other local services. This may include social workers, housing and family support services, and may incorporate intelligence and data from wider children's social care systems to help identify and support individuals, families and households within the scope of the fund.
- 11.5. Local authorities must ensure that they have a clear rationale or documented policy/framework defining eligibility and how households access the fund. Local authorities are expected to review their existing approach including how they define eligibility.
- 11.6. Rather than focus on one specific vulnerable group, local authorities should use the wide range of data and sources of information at their disposal to identify and provide support to a broad cross section of vulnerable households to prevent escalation of problems. Authorities should ensure that they consider the needs of various households including families with children of all ages, pensioners, unpaid carers, care leavers, and people with disabilities.
- 11.7. Authorities should particularly consider how they can support those vulnerable households who are ineligible for other government support with the cost of living, including the (yet to be confirmed by DWP):
- Energy bills support scheme and the equivalence package confirmed on 29 July;
  - Council tax rebate and the associated £144m discretionary fund;
  - Cost of living payments for those on means tested benefits;
  - £150 disability cost of living payment;
  - One-off £300 pensioner cost of living payment (through the winter fuel payment).
- 11.8. In addition (yet to be confirmed by DWP):
- a) The authority is to ensure that the grant is primarily allocated to support with the costs of energy (for heating, lighting and cooking), food, water (for household purposes, including sewerage) and other essential living needs in accordance with the Scheme guidance;
  - b) in exceptional circumstances of genuine emergency, the authority may allocate grant funds to support with housing costs as set out in the Scheme guidance;

c) the authority is to use best endeavours to facilitate applications for assistance under the scheme from individuals who are eligible for assistance in their area.

#### 11.9. Supplementary Estimates

Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity approval must be sought for a supplementary estimate in accordance with the tables below.

Approval of a supplementary revenue estimate requires adherence to the provisions of the Financial Procedure Rules as set out in the Constitution and specifically the provisions of Chapter 3 Part 3 at para 19 set out below shall apply. The level of grant funding (£2.2m) requires Council approval, or a decision under urgency powers on behalf of Council.

<b>Supplementary Estimate Amount</b>	<b>Approval Level</b>
Up to and including £250,000	Relevant member of CLT
In excess of £250,000 up to and including £500,000	Relevant Member of CLT in consultation with the Chair of the relevant Committee, Chair of Finance Sub-Committee and Chief Finance Officer
In excess of £500,000 up to and including £1,000,000	Committee
Over £1,000,000	Council

## 12. Finance Implications

- 12.1. Expenditure on the Household Support Fund will be fully funded by a government grant expected to be £2.2m. The duration of the scheme is from 01 April 2024 to 30 September 2024.
- 12.2. The expectation is that the council will spend the grant in accordance with the conditions and not exceed the amount advised by the DWP. There will not be any unfunded ongoing commitments as a result of this expenditure. It is not yet known if any funding will be provided after 30 September 2024 to continue this scheme or something similar.
- 12.3. The council will be required to provide management information (MI) returns outlining their grant spend and the volume of awards. We are yet to receive specific dates for these returns
- 12.4. Grant payments will be made in arrears on receipt of a fully completed and verified MI return.

- 12.5. If the council has not spent the grant in accordance with the conditions, then there is scope for clawback. The service will manage that risk.

### **13. Policy**

- 13.1. The HSF grants are part of the government's package of support, targeted at those vulnerable families and adults who are most in need, to help them to cope with the impact of rising prices.

### **14. Equality**

- 14.1. In accordance with the public sector equality duty, DWP has had due regard for the potential equalities impacts of this grant.
- 14.2. An equality impact assessment has been completed to ensure that people are not disadvantaged or treated unfairly by this scheme. For example, that our processes are easy to access and to navigate. This will need to be updated once a decision is made regarding HSF5 distribution in line with the factors outlined in this paper.
- 14.3. We expect that the implementation of the grant will have a positive impact in relation to the protective characteristic of age, particularly for children and young people. It will also support the need to ensure that we have fairer and more resilient communities.

### **15. Human Resources**

- 15.1. The current capacity in place to administer this grant will continue. We have already taken steps to extend temporary contracts that were due to end in March 2024. There may be risk if the MTFS proposal within the Benefits team significantly reduces their ability to deliver any element of the scheme. We have attempted to mitigate some of this risk by introducing a funding panel so the burden of the enquiry form will no longer be held by them. If there is an adults' contribution in the grant conditions. We will need to look at this further. Reasonable administration costs are funded as part of the grant and we will ensure that the full costs of any additional staffing are offset against the grant.

### **16. Risk Management**

- 16.1. As the vouchers have historically been aligned with school holiday periods, there is a risk that families are becoming dependent on the vouchers as a

payment during school holidays. Removal of the vouchers may result in an increase in complaints from upset and angry parents/carers. This would need to be mitigated with clear comms regarding our approach and how they can access funds or food should they be in need.

- 16.2. It would be easier to continue to deliver the scheme in the same way we have to date. This wouldn't necessarily be the right thing to do however for those most in need which is why we have revised our proposals for this 6 month scheme.
- 16.3. As with any welfare payment to vulnerable recipients there is a risk of fraud, as recipients might appear to be in financial need when they are not. We have tried to mitigate this risk by accepting funding requests via the panel by trusted practitioners and professionals who work directly with those in need.
- 16.4. Risks are routinely assessed and reported on at the monthly household support fund steering group, and remedial action is taken, as required. It is likely we will increase the frequency of these meetings to fortnightly for the first couple of months and at point of scheme exit.

## **17. Rural Communities**

- 17.1. Children, families and adults in rural areas of the council will directly benefit from receipt of the new grant in line with financial need. There are no restriction on funding decisions dependent on where service users live.

## **18. Children and Young People/Cared for Children**

- 18.1. Children and young people who suffer the greatest inequality in terms of lack of household income will directly benefit from this grant.

## **19. Public Health**

- 19.1. Poverty poses a threat to the public health of our residents as they are less likely to be able to access the conditions that promote a healthy physical and mental lifestyle. An adequate income can help people to avoid stress and feel in control, to access experiences and material resources, to adopt and maintain healthy behaviours, and to feel supported by a financial safety net.

## 20. Climate Change

- 20.1. There are not expected to be any climate change implications from the Household Support Grant.

Access to Information	
Contact Officer:	Douglas Hubbert, Business Development Manager <a href="mailto:Douglas.hubbert@cheshireeast.gov.uk">Douglas.hubbert@cheshireeast.gov.uk</a>
Appendices:	None
Background Papers:	None

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OPEN

## Children and Families Committee

29 April 2024

### Youth Justice Service Hosted Model Proposal

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**Report of: Deborah Woodcock – Executive Director childrens services**

**Report Reference No: CF/52/23-24**

**Ward(s) Affected: All**

#### **Purpose of Report**

- 1 This report requests that the children and families committee approve a move from the current shared service arrangement for the management and delivery of youth justice services to a model whereby Cheshire West and Chester Council (CWAC) 'host' Cheshire Youth Justice Services (YJS) on behalf of the statutory pan-Cheshire Youth Justice Partnership. It is proposed this new agreement will be in place from 1 April 2025.

#### **Executive Summary**

- 2 The Cheshire Youth Justice Service is the statutory multi-disciplinary service (required by S39 of the Crime and Disorder Act 1998) established to provide youth justice services across the Cheshire, Halton and Warrington sub-region. The four partner local authorities are:
  - Cheshire East Council
  - Cheshire West and Chester Council
  - Halton Borough Council
  - Warrington Borough Council
- 3 The budget associated with this service is just over £3 million per annum, which includes a national grant of £1.24 million from the Youth Justice Board (YJB) and contributions from other statutory partners: Cheshire Constabulary, the Probation Service and Cheshire and Merseyside Integrated Care system. The four local authority

contributions are currently a complicated contribution of cash and 'in-kind' contributions.

- 4 It is proposed to simplify the current arrangements and move to a model whereby CWAC hosts the Cheshire YJS. This agreement will need to be ratified in each of the local authorities, through their individual governance processes. To date Cheshire West and Chester, Warrington and Halton have approved the proposal.
- 5 A host service would provide all the back-office functions (HR, finance, payroll, legal, commissioning and IT) and the other three local authorities would contribute an agreed sum for these services and the delivery of statutory youth justice services in their area. If a hosted model is approved, the report also requires a consensus decision (pan-Cheshire) on a transparent and sustainable funding formula for the provision of youth justice services across Cheshire.
- 6 To be clear this proposal is intended to simplify the current pan-Cheshire shared service arrangements for Youth Justice, it is not about delivering cash savings. Considerable recurrent savings (avoided costs through economies of scale) have been achieved by CEC since entering into the merger of Youth Justice Services pan-Cheshire in 2016. Appendix 2 provides comparison between CEC spend on Youth Justice with other local authorities which absorb the cost of delivering Youth Justice Services alone. The financial efficiencies of delivering the service pan-Cheshire are clear and are already established and what is required is a simpler, more transparent and sustainable hosted model.

## RECOMMENDATIONS

To seek committee approval to:

1. Agree that Cheshire West and Chester Council will host Cheshire YJS on behalf of all four councils and other statutory partners.
2. Approve the transfer under Transfer of Undertakings (Protection of Employees) Regulations 2006 ('TUPE') of staff from Cheshire East into Cheshire West and Chester Council effective from 1 April 2025.
3. Delegate authority to the Executive Director of Children and Families to take all steps necessary to implement the recommendations set out above, including producing an agreed memorandum of understanding which clarifies the legal and review arrangements.
4. Delegate authority to the Chief Executives, in consultation with the Section 151 Officer and Executive Directors for Children and Families across the pan-Cheshire footprint to agree the final funding formula as



<p>set out in tables 5a and 5b of Appendix 4 and that it be included in the 2025/26 MTFS.</p>
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## Background

- 7 The current shared service arrangements for the provision of Cheshire YJS have evolved over two decades and been through a number of iterations as councils have separated and service functions have merged. Appendix 1 outlines a timeline.
- 8 Appendix 1 also contains the narrative to explain the drivers for how the two original Youth Offending teams in the sub-region evolved over time into the current pan-Cheshire shared service arrangement. The timeline details the complexity of the partnership and how it has evolved in a piecemeal way.
- 9 Service delivery to children, families and victims of youth crime has remained strong but as local authority ICT systems have been upgraded and security compliance has been necessarily tightened, it has become operationally challenging and cumbersome for staff at all levels of YJS. HR/personnel, procurement/finance and other 'back-office' systems have been updated in recent years and staff working in a multi-authority shared service must navigate increasingly complex 'workarounds' to perform basic tasks, such as room bookings and printing. Moving to a single local authority host will mean the service has 'a home' and will be more efficient.
- 10 The current staffing, finance, ICT and legal arrangements are very complex. YJS itself is not an employer, therefore it is ostensibly hosting staff employed by 11 different employers. Alongside local authority employed staff, there are police and probation officers, NHS staff and a number of specialist substance misuse and speech and language therapists "co-located" within the service. YJS has a very modest 'back-office' infrastructure in place and relies on variable 'in-kind' support from each council's HR, finance, legal and ICT teams. It means staff working in YJS must access different HR/personnel systems because they are designated as 'external' or 'partners' even though they are delivering essential statutory children's services in four local authorities.
- 11 This 'in-kind' support from local authorities has also evolved over time, and despite the best efforts of the Management Board and finance colleagues in different councils, it has proved very difficult to arrive at a transparent funding formula for the various 'in-kind' services. ICT costs in particular have risen significantly because of essential licensing upgrades and remains a significant unresolved risk to the partnership.

- 12 Notwithstanding these infrastructure and system challenges, the economies of scale achieved through the mergers detailed in Appendix 1 have delivered considerable recurrent financial savings (or at least avoided considerable costs) to all four councils over many years. Appendix 2 compares the financial contributions made to youth justice services of the four Cheshire authorities with other local authorities in the region and elsewhere. It is very apparent when comparing Cheshire YJS' shared service with most other youth justice services, that the incremental merging of service delivery across the sub-region has resulted in savings, year on year, to all four Cheshire local authorities. YJS has a shared case management system and Management Team whereas other local authorities must meet the costs of these, other necessary functions and inflationary pressures alone.
- 13 YJS is a very lean service spanning over 1,000 square miles and a population of 1.1 million. Performance is good on national key performance indicators, with low first-time entrants to the youth justice system and low use of youth custody, in particular. In the most recent full, joint inspection (i.e. one involving inspectors from HMI Probation, Care Quality Commission, Ofsted and HMICFRS), the service was rated as Good with several outstanding features. The proposal to move to a hosted model is therefore coming from a position of strength and intended to sustain the success.
- 14 There are considerable challenges inherent in operating a multi-authority shared service that is not 'anchored' in a single local authority and these have become more apparent because of a change in the way that Microsoft charges users to use their products and the transition to Microsoft Teams. Staff working in YJS are using ICT kit supplied by Halton Borough Council (an arrangement agreed in 2000) and until 2022, the costs were modest enough to be borne alone by Halton as their 'in-kind' contribution to the partnership. However, changes from site to individual user licensing, the shift to Microsoft Teams and the need to be security compliant has seen a significant increase in the cost of supporting 86 staff and this now totals c£250k per annum.
- 15 The pan-Cheshire YJS Management Board decided to utilise reserves in the shared YJS budget to meet the costs of ICT in 2023-24 and again in 2024-25. The reserves have accumulated primarily because of vacancies, therefore a long-term sustainable solution for meeting the full costs of delivering statutory youth justice services across the whole of Cheshire is urgently required. A single local authority fully hosted service is the recommended model.
- 16 YJS performs critical statutory safeguarding and public protection duties and is designated in statutory guidance as a "duty to cooperate agency" in a whole range of statutory partnerships: MAPPA, Serious Violence

Duty, Combatting Drugs Partnerships and of course Children's Safeguarding Partnerships.

- 17 There have been two separate reviews into the governance and financing of YJS in recent years: a zero-based review commissioned by Cheshire West and Chester Council, undertaken in 2018 and then a review for the Cheshire sub-region in 2021. Both reviews noted the complexity of the partnership arrangement and suggested the possibility of a 'lead' commissioning or host authority. Both reviews also noted there was some inherent fragility in terms of financial sustainability of the youth justice partnership.
- 18 The sudden increase in ICT costs outlined above is a tangible example of this fragility and it is only the accumulation of reserves due to delays in recruitment, that has enabled this increase to be absorbed (and only up until March 2025).
- 19 The respective local authority cash contributions to the shared service (set out in Tables 1-4 in Appendix 3) were agreed by Directors of Children's Services and their respective finance leads after a series of meetings that followed the Zero-Based Review. In the absence of any other sub-regional 'fair funding formula' for shared services across the Cheshire local authorities, this percentage split remains the current best-fit option in terms of each authority's contribution towards meeting the running costs of youth justice in Cheshire.
- 20 An alternative funding formula based on caseload analysis was explored in 2022 but there are several problems with using purely caseload volume. There is significant fluctuation in demand year on year, and individual 'cases' vary considerably in terms of the resource allocation (both human and financial) that is required. The Youth Justice Service statutory responsibilities to victims, courts and communities are not counted in caseload analysis. Furthermore, the management and support functions are all pan-Cheshire by design and activity cannot be disaggregated to place in a meaningful way. Any funding formula based on caseload averages would need to be reviewed (every 2-3 years) and volume fluctuation in previous years suggests local authority contributions would then need revising considerably. The Directors of Childrens' Service group ruled this option out as being unworkable.

## **Overview of the Current Agreement**

- 21 Table 1 at Appendix 3 shows total cash income and source of income for YJS in 2023-24 with the local authority amounts adjusted to include the 2023 pay award. The YJB, (part of the Ministry of Justice [MOJ]), is the single biggest cash contributor to Cheshire YJS. The only partners/agencies that are legally mandated by the 1998 Crime and

Disorder Act, to contribute cash and/or staff to the service are: local authorities, the Probation Service, Health and Police.

- 22 The Probation Service contribution to Cheshire YJS is calculated through their national funding formula and includes both a small cash contribution toward management costs and ‘in-kind’ contribution in the form of three fully seconded Probation staff.
- 23 The Health contribution has evolved over time with the changes in the health commissioning landscape but is also primarily an ‘in-kind’ contribution of nine specialist health staff who are fully seconded or ‘co-located’ within the service (local arrangements vary slightly across Cheshire because of different health providers). There is also a small cash contribution from Health which is a legacy from when Halton and Warrington Youth Offending Team was formed and has rolled over from Clinical Commissioning Groups to Integrated Care Boards.
- 24 Cheshire Police’s contribution is entirely ‘in-kind’ and comes by way of three fully seconded police officers. The Police and Crime Commissioner also provides a grant to YJS, which is a contribution toward delivering Victim and Restorative Justice Services but also a contribution toward the point of arrest ‘Divert’ scheme that YJS deliver. There is a legal requirement for local police forces and youth justice services to have joint decision-making processes for youth out of court disposals and in Cheshire the Divert scheme is the means of meeting this statutory requirement.
- 25 Table 2 at Appendix 3 shows the balanced budget for YJS for 2023-24, excluding the c£250,000 Halton ICT costs. These were incurred due to the Microsoft user licensing issue and this additional significant cost was not budgeted. The Management Board has agreed to meet Halton’s ICT cost from YJS reserves until March 2025. Note the cost of providing ICT beyond March 2025 is not budgeted for so if the hosted model does not proceed Local authorities would need to meet the cost of ICT anyway (ICT cost is forecasted by Halton Council to be c£300k from April 2025 and could no longer be absorbed by YJS reserves in the way it has for the years 2023-24 and 2024-25). See section 14 for explanation of risk in not moving to a hosted model.
- 26 Table 3 in Appendix 3 shows the current financial and ‘in-kind’ contributions from each local authority (2023-24 inclusive of pay award). These figures were arrived at following an extensive series of meetings between local authority finance leads. They remain imperfect because it is impossible to attribute exact costs to a shared service that has evolved so much over two decades. Nevertheless, they represent the closest the partnership has ever come to putting a financial value to each local authority’s ‘in-kind’ contribution. These include premises, HR

support and two seconded education specialists. These secondments relate to one employee from Halton and one from Cheshire East and are a consequence of historical legacy arrangements that pre-date the service merger.

### **Scoping of the Hosted Service model**

- 27 On behalf of the Youth Justice partnership, Cheshire West and Cheshire Council have undertaken a feasibility and scoping project in recent months to provide indicative costings for hosting Cheshire YJS. This has involved scoping the cost of transferring ICT from Halton to Cheshire ICT, which necessitates additional build and set-up costs in Year 1 before reducing in Year 2. Various other transactional and legal services have been costed and essentially bundled together to calculate a 'Management Fee' outlined in Table 4. This management fee would be shared across the four local authorities and would essentially replace the current 'in-kind' contributions from each local authority (outlined in Table 3).
- 28 It is essential that YJS continue to work in close partnership with children, families and other professionals in their own local community. This model assumes that Cheshire East, Halton and Warrington will continue to ensure Cheshire YJS staff can work from the council premises currently provided in Crewe, Widnes and Warrington and can also utilise community delivery spaces (e.g. family hubs, youth and community centres).

### **Local Authority contributions to a hosted YJS**

- 29 Tables 6a and 7b in Appendix 4 outline Year 1 and Year 2 costs to each local authority of operating under a hosted model. Costs are calculated using the current percentage formula of local authority contributions which came from the comprehensive activity-based costings exercise and organisational 'Zero Based Review' exercise. The higher Year 1 management fee reflects the cost of transferring ICT from Halton to Cheshire and the onboarding costs associated with transferring employees into Cheshire West and Chester Council. Note YJS reserves can be utilised to meet some of the difference between the Year 1 and Year 2 management fee. This means the move to a hosted model would not require additional investment from local authorities beyond what is essential anyway from April 2025 to meet the cost of ICT.

### **Other Options Considered**

- 30 There is an option to do nothing. Retaining the current arrangements do not support the provision of a high-quality efficient service and the risks associated with this are set out above. Do-nothing will also incur additional costs from April 2025 anyway because there would still be

c£300k charges that would need to be shared by all four authorities according to their percentage splits (see section 10) Therefore, this option is not recommended.

- 31 There is an option to dissolve the pan-Cheshire approach and move to a single authority YJS in each of the four local authorities of Cheshire West and Chester Council, Cheshire East Council, Halton Borough Council and Warrington Borough Council. However, this would be significantly more costly than the recommended route set out in this report and is not recommended.

## **Consultation and Engagement**

- 32 The pan-Cheshire YJS is governed by a Youth Justice Board with representation from all partner local authorities, the Integrated Care Board and police. Hosting arrangements have been considered and discussed at length and the Board have ratified this approach.
- 33 Should the council progress with the proposed hosted arrangements, formal staff consultation will take place, working alongside trade unions.

## **Implications and Comments**

### *Monitoring Officer/Legal*

- 34 Local authorities have a statutory duty to provide a Youth Justice Service, with the Crime and Disorder Act 1998 setting out the minimum statutory requirements for such. Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a Youth Justice System, the statutory partners being, the local authority, the police, probation and health services. There is clear guidance from the “Standards for Children in the Youth Justice System 2019” set by the Secretary of State for Justice, which assist in guiding strategic and operational services’ understanding of expectations through the Youth Justice System. By providing the youth justice services under the Crime and Disorder Act, the local authority, together with its partners, also addresses its duty under paragraph 7(b) of Schedule 2 of the Children Act 1989, to take reasonable steps to encourage children within the area not to commit offences and requires local authorities to prevent children from offending and to promote their welfare.
- 35 S113 of the Local Government Act 1972 allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority subject to consultation with the staff concerned and negotiation about any changes to terms and conditions.

- 36 S1 of the Local Authorities (goods and Services Act) 1970 enables a local authority to enter into an agreement to provide another authority with goods and services, including administrative, professional or technical services.
- 37 The obligations and responsibilities of the partner local authorities shall be documented by an Inter-Authority Agreement. Council legal officers will work with colleagues from partners and external agencies to agree the final form of the Agreement, along with contracting methodology to secure the services and contributions and ensure the arrangement is well maintained throughout the Agreement period.
- 38 Employment law implications apply in relation to the proposed hosted model. If a decision is made to approve the move from a shared service arrangement to a 'hosted' model at Cheshire West and Chester Council, TUPE may apply in law to transfer the employment of any Cheshire East staff assigned and essentially dedicated to the current YJS arrangement to CWAC. Staff should transfer on their existing terms and conditions which are protected by TUPE. TUPE imposes strict legal obligations including information and consultation requirements to be carried out in good time before any proposed transfer to avoid claims for failure to consult. Trade Union engagement will be required for the consultation. Further legal input will be required to draft appropriate commercial TUPE provisions and protection in the final agreement for the hosted model.

*Section 151 Officer/Finance*

- 39 The current contributions by Cheshire East Council are made up of a contribution to the central YJS as well as in-kind contributions. The in-kind contributions are made up of overheads such as Premises, ICT, HR, Payroll, Finance, Transactional services and a Children's Substance Misuse Worker.
- 40 The budget held by childrens services for the YJS contribution from 2024/25 onwards is £417k. This reflects an approved budget increase in the 2024/25 MTFS of £45k. The budgets for in-kind contributions are part of the wider corporate services and a Substance Misuse Worker within children's services.
- 41 Although the budget for the YJS is £417k, the actual costs of the contributions that CEC makes are in excess of this figure. The contribution for 2023/24 was £445k, and the contribution under the existing model for 2024/25 is expected to be in the region of £462k.
- 42 If the existing service model was to be retained then the anticipated cost for 2025/26 would be around £480k plus CEC's 28% share of the

additional expected £300k of ICT pressures which would be £84k. This would result in an estimated total “do nothing” cost of £564k in 2025/26.

- 43 The table below shows the financial impact of the proposed contributions compared to the current budget, both with and without the ability for the in-kind budgets to be transferred to children’s services in order to be paid to the new YJS. Work will need to be done to clarify with the support services if the in-kind budgets can be released, or if employment or contract costs will make this difficult to achieve.
- 44 The proposed contributions for year 1 (2025/26) and year 2 (2026/27) are below, with the associated budgets and MTFS changes required.

	<b>2025/26</b>	<b>2026/27</b>
YJS contribution budget - in Childrens services	£417,23 2	£417,232
CEC in kind budget - in wider council/corporate budgets	£119,519	£119,519
<b>CEC proposed contribution to YJS</b>	<b>£585,907</b>	<b>£554,697</b>
Variance if in-kind budgets are released to fund contribution	£49,156	£17,946
Variance if in-kind budgets can’t be released to fund contribution	£168,675	£137,465

- 45 The above is the proposed contributions compared to the budgets currently held, as detailed in 10.4 the actual costs that CEC will need to pay regardless of this decision to move to a new delivery model are already in excess of this budget.
- 46 The estimated cost of the “do nothing” option, continuing with the existing model, will most likely result in a contribution of around £564k being required in 2025/26. So when compared to the proposed model contribution of £586k in 2025/26 this results in a much smaller variance of £22k.
- 47 If the proposals are approved, the budget variance will need to be addressed either through further MTFS increases, or through the services finding alternative efficiencies in order to be able to reallocate the additional budget required to the YJS.
- 48 Cheshire East Council also employs staff who will TUPE over to CWAC as part of the new arrangements, but these staff are already fully funded by the YJS through recharges, so will have nil impact on CEC budgets.

### *Policy*

- 49 This proposal will support the council’s priorities as set out below.



<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>	<b>A thriving and sustainable place</b>
Ensure that there is transparency in all aspects of council decision making	Work together with residents and partners to support people and communities to be strong and resilient	Welcoming, safe and clean neighbourhoods
Support a sustainable financial future for the council, through service development, improvement and transformation	Protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation	

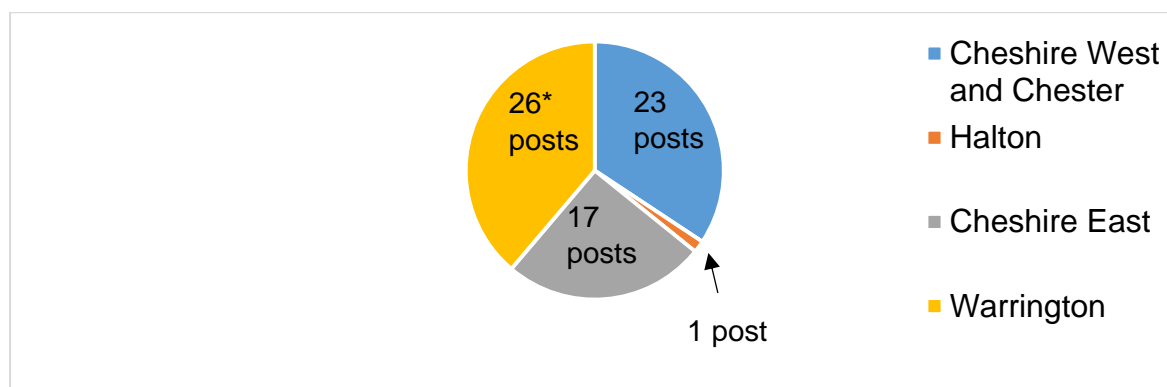
### *Equality, Diversity and Inclusion*

- 50 There is no anticipated change to service delivery, therefore no direct implications from the proposed recommendations in this report in relation to equality, diversity and inclusion.

### *Human Resources*

- 51 Figure 1 below shows the current breakdown of local authority employed staff working in the shared youth justice service. In addition, other statutory partners provide staff (by way of secondment agreements) in line with the obligations of the Crime and Disorder Act of 1998. Therefore, in addition to local authority employees, there are currently 15 seconded or co-located practitioners (police, probation, NHS) and around 50 volunteers who make up YJS. Under a single local authority hosted model, only local authority staff would TUPE across to the host authority. The employers of the specialist secondees will not change, they will remain employed as police officers, probation officers and health workers.

- 52 Figure 1: Current breakdown of local authority employed staff in YJS



\*Warrington includes 3 MOJ grant funded posts confirmed only up until 31 March 2025

*Risk Management*

- 53 Not progressing to a fully hosted model (and agreeing on a sustainable funding formula) would over time undermine the integrity of the organisation and compromise service delivery. It is also expected that costs would increase. There is already some fragility to back-office functions and maintaining a statutory service relies on efficient ICT and systems. The changes from councils moving to Microsoft teams has created numerous problems for YJS that ICT colleagues confirm will only really be resolved if staff are employed by the same authority that provides their ICT. If not resolved there is a risk the service is severely affected that will impact on the team's ability to deliver for children, families and victims.
- 54 The ICT costs required to deliver youth justice services across the sub-region are only being met through reserves until 31 March 2025. Reserves have been accumulated through salary underspend and if ICT is excluded, over 90% of YJS budget is spent on salaries. It is only through a combination of prudence and significant gaps in staff recruitment that the youth justice shared service has accumulated sufficient reserves and has been able to meet the increased ICT costs for 2-years running. For a function as crucial as ICT, this is not sustainable.
- 55 The instability of 'back-office' infrastructure over time will inevitably begin to impact on critical (safeguarding and public protection) services delivered to children, families and victims. The positive outcome of the 2021 inspection, a team of experienced staff with strong, well-established links with partners has shown YJS has integrity and significant organisational expertise. It is better to maintain now from a position of relative strength than to drift into a situation where the service becomes increasingly dysfunctional and statutory services are not delivered safely. The latter would seriously dent the confidence of the courts, national bodies (YJB and the MOJ) and potentially risks a reputationally damaging inadequate rating in a future inspection that would require external intervention and significant action and investment to rebuild and repair public confidence.
- 56 Ultimately, the safety of children and the public will be compromised if inefficient processes within an organisation continue to impact on staff time. This results in less time being spent with children and young people (and those harmed by children and young people).
- 57 There is a risk that some staff may not want to transfer to CWAC that could result in a loss of specialist skills/knowledge. Staff will be fully engaged in the process to ensure they are engaged.

*Rural Communities*

- 58 The move to a hosted model of delivery is not expected to impact on rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 59 The YJS works with young offenders, who are children and young people aged between 10-18 who break the law. These include cared for children, care leavers and children with special educational needs and disabilities (SEND). The principal aim of the Youth Justice System is to prevent offending by children and young people. The proposals within this paper are aimed at improving outcomes for this group of children and young people.

*Public Health*

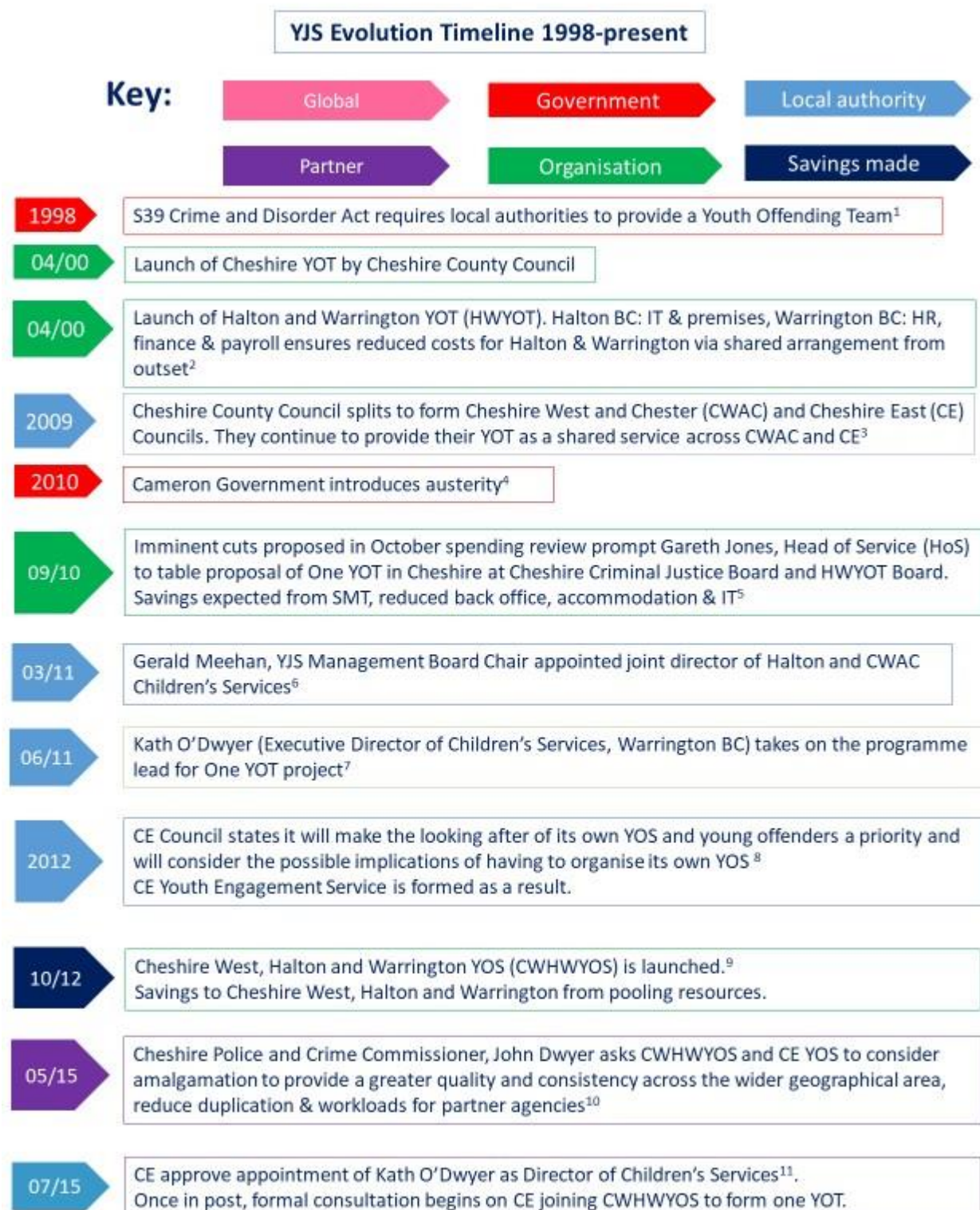
- 60 It is expected that the proposals within this paper will have a positive overall impact on the health and wellbeing of Cheshire East's most vulnerable children and young people who are at risk of offending behaviour.

*Climate Change*

- 61 There are no climate or sustainability issues identified.

<b>Access to Information</b>	
Contact Officer:	Tom Dooks – Head of Youth Justice Service <a href="mailto:tom.dooks@youthjusticeservices.org.uk">tom.dooks@youthjusticeservices.org.uk</a>
Appendices:	Appendix 1 – YJS evolution timeline Appendix 2 - Local authority comparative costings table Appendix 3 – Financial tables Appendix 4 - Year 1 and Year 2 costs to each local authority of operating under a hosted model
Background Papers:	N/A

## Appendix 1



03/16	YJB requests the two YOS in Cheshire prepare for a 25% reduction equating to £250k <sup>10</sup>
09/16	CWHWYOS and CE YOS merge to form the current model of a pan-Cheshire One YOT, Youth Justice Services. Sharing of senior management, back office and case management system delivers significant recurrent economies of scale year on year <sup>12</sup>
2017	Microsoft shareholders launch Office 365 with Teams for businesses with annual subscription for licenses <sup>13</sup>
2018	Zero Based Review authored by Jennie Keeley (CWAC) confirmed shared service arrangement had not impacted negatively on service delivery and proposed reserves should be proportioned according to percentage formula <sup>14</sup>
03/20	Global Covid 19 pandemic prompts increased reliance on virtual working, ICT and teleconferencing
03/21	Finance Review by Sonia Bassey (CE) recommends Senior Management Staffing review and confirms YJS is functioning well and confirms funding formula CE 28% CW 29% Halton 20% and Warrington 23% <sup>15</sup>
12/21	Full Joint Inspection by HMIP rates YJS as <b>Good with outstanding features</b> <sup>16</sup>
12/21	Halton IT flag up unmet cost increase in 2022/23 & in-kind contribution now out of line with other LA contributions. All government organisations require license upgrade to be security compliant. Impact significant due to costs per user and YJS total head count of approx. 90 (including all partnership staff). Gareth Jones proposes a Task and Finish Group to discuss future sustainability of YJS ICT costs <sup>17</sup>
04/22	YJS Senior Management Review results in voluntary redundancy of one grade 14 saving £85k pa <sup>18</sup>
2022	Finance Task and Finish Group initially meet in May. In November, Helen Brackenbury, YJS Board Chair requests feasibility of CWAC hosting all functions of YJS. Cheshire ICT undertake feasibility project confirming Cheshire could host YJS at similar cost to Halton but with inflated costs for year one <sup>19</sup>
07/23	Gareth Jones retires and Tom Dooks is appointed Head of Service.
10/23	Proposal for CWAC to host to go to all four local authority full council approval with proposed live date of April 2025 <sup>20</sup>

**Local authority comparative costings table**

<b>Local Authority</b>	<b>Total Population</b>	<b>LA financial contribution</b>	<b>YJB grant</b>
Cheshire East	398,800	<b>£427,869</b>	
Cheshire West	357,200	<b>£443,149</b>	
Halton	128,200	<b>£305,621</b>	
Warrington	210,900	<b>£351,464</b>	
<b>Total</b>	<b>1,095,100</b>	<b>£1,528,103</b>	<b>£1,248,480</b>
<b>Neighbouring Boroughs</b>			
Knowsley	154,500	£807,436	£437,760
St Helens	183,200	£428,693	£419,883
Salford	269,900	£665,684	£561,945
Stockport	294,800	£628,594	£488,499
Wirral	320,200	£1,151,300	£643,156
Derbyshire	802,694	£1,046,841	£844,109
Sefton	279,300	£1,218,123	£375,752
Blackpool	140,000	£526,487	£446,914
<b>Similar size or demography county council YOS</b>			
Hertfordshire	1,200,00	£2,331,817	£873,882
North Northampton	753,278	£1,563,205	705, 433
Dorset	400,000	£1,070,500	£659,239
Buckinghamshire	551,560	£759,668	£454,838
Milton Keynes	287,000	£691,180	£297,803
Southampton	249,000	£530,646	£237,782
Portsmouth	208,100	£526,900	£263,700
Nottinghamshire	824800	£857,547	£1,030,844
Leicestershire and Rutland	712,300	£1,429,382	£459,804

**Financial Tables**

Table 1: Total cash income and source of income for YJS in 2023-24

<b>Income</b>		
Youth Justice Board	£1,248,480	4.5% increase confirmed in August 2023
Cheshire West & Chester Council	£465,307	29% of local authority funding
Cheshire East Council	£449,262	28% of local authority funding
Halton Borough Council	£320,902	20% of local authority funding
Warrington Borough Council	£369,037	23% of local authority funding
WBC SLAs & Recharges	£90,238	No change
Police Crime Commissioner	£198,116	No change (grant to cover services to victims & contribution to Divert scheme)
Probation Management Fee	£10,000	No change
NHS Cheshire & Merseyside ICB Halton	£8,250	No change (historical cash contribution from Halton CCG)
NHS Cheshire & Merseyside ICB Warrington	£12,344	No change (historical cash contribution from Warrington CCG)
Probation Service (0.1 Probation Officer)	£4,700	Difference between allocated POs (2.1 FTE) & actual POs (2.0 FTE)
CTG Finance Administration	£2,500	No change
<b>Total</b>	<b>£3,179,136</b>	



Table 2: YJS Budget and expenditure for 2023-24

Expenditure	Budget (£)
WBC Staffing Costs	1,128,792
CWAC Staffing Costs	1,009,772
CE Staffing Costs	748,509
Standby Payments	1,200
DBS Checks	400
Training	12,000
Employee Expenses	1,500
Recharge - Staff Insurance	7,630
Rent of Premises	5,000
Travelling Allowance	6,000
Car Allowances	50,000
Equipment	1,500
Furniture & Fittings	500
Cleaning Materials	300
Sundries (Catering)	3,000
Stationery	1,500
Consultancy & Professional Services (CANW AA scheme)	8,000
Fees	1,000
Postages	5,000
ICT Equipment Purchase/Maintenance (funded from reserves)	5,000
ICT Line Rental (recharge from HBC for iPhone use)	15,000
Computer Software – Maintenance (CACI hosting £24,261, Year 1 implementation £27,164)	51,425
Language Line (Translators/Interpreters)	3,800



Car Parking	1,000
Volunteers Travel Expenses	2,000
Subscriptions	1,000
Hospitality	1,000
Campaigns, Projects & Events (Data analytics project)	20,000
Accommodation Allowance	500
SLA Accountancy	15,542
SLA Debtors	374
SLA ICT	50,030
SLA HR Advisory	8,114
SLA Employee Services	4,811
SLA Communications	1,309
SLA Learning & Development	1,155
SLA Exchequer Services	984
SLA Central Procurement	289
Print Section	1,000
Lone Working System	3,200
<b>Total</b>	<b>3,179,136</b>

Table 3: Current local authority financial and 'in-kind' contributions

<b>As Is Model</b>	<b>Total</b>	<b>Cheshire West and Chester Council</b>	<b>Cheshire East Council</b>	<b>Halton Borough Council</b>	<b>Warrington Borough Council</b>
Current % Share	100%	29%	28%	20%	23%
YJS Partnership Budget (23-24 incl. Pay Award)	£1,604,508	£465,307	£449,262	£320,902	£369,037
In-kind Contributions (22-23 incl. Secondments)	£697,559	£111,043	£119,559	£348,696*	£118,261
<b>Total As-Is</b>	<b>£2,302,067</b>	<b>£576,350</b>	<b>£568,821</b>	<b>£669,598</b>	<b>£487,298</b>

\*Includes c£250,000 ICT cost for Halton for hosting YJS

Table 4: Breakdown of management fee for hosted arrangement

<b>Management Fee</b>	<b>Total Yr1</b>	<b>Total Yr2</b>
ICT Service	£319,725	£203,769
Payroll & HR Service (59.46 FTE x £750)	£44,595	£44,595
Perm HR capacity required (1 day per month G11)	£2,961	£2,961
Temp HR capacity required (2 day per month G11)	£5,922	-
Accountancy, revenue & banking services*	tbc	tbc
Communications support (2 day per month G9)	£4,394	£4,394
Perm legal support (1 day per month G11)	£2,961	£2,961
Temp legal support (6 months 2 days per week)	£2,961	-
Insight and intelligence (1 x G8 + 3 days per month G10)	£51,928	£51,928
Commissioning support (2 days per month G12)	£13,693	£13,693
<b>Total Management Fee Required</b>	<b>£449,141</b>	<b>£324,301</b>

\*Accountancy, banking and revenue service costs are still to be calculated but will not be significant.

## Appendix 4

**Year 1 and Year 2 costs to each local authority of operating under a hosted model**

Table 5a: Year 1 Current % Contribution

<b>Year 1 Option 1: Current Contribution</b>	<b>Total</b>	<b>Cheshire West &amp; Chester</b>	<b>Cheshire East Council</b>	<b>Halton Borough Council</b>	<b>Warrington Borough Council</b>
Current % share	100%	29%	28%	20%	23%
YJS Partnership Budget (23/24)	£1,604,508	£465,307	£449,262	£320,902	£369,037
Seconded arrangements	£86,997	£25,229	£24,359	£17,399	£20,009
Management Fee	£449,141	£112,285	£112,285	£112,285	£112,285
<b>Total Option 1</b>	<b>£2,140,646</b>	<b>£602,822</b>	<b>£585,907</b>	<b>£450,586</b>	<b>£501,331</b>

Table 5b: Year 2 Current % Contribution

<b>Year 2 Option 1: Current Contribution</b>	<b>Total</b>	<b>Cheshire West &amp; Chester</b>	<b>Cheshire East Council</b>	<b>Halton Borough Council</b>	<b>Warrington Borough Council</b>
Current % share	100%	29%	28%	20%	23%
YJS Partnership Budget (23/24)	£1,604,508	£465,307	£449,262	£320,902	£369,037
Seconded arrangements	£86,997	£25,229	£24,359	£17,399	£20,009
Management Fee	£324,301	£81,075	£81,075	£81,075	£81,075
<b>Total Option 1</b>	<b>£2,015,806</b>	<b>£571,612</b>	<b>£554,697</b>	<b>£419,376</b>	<b>£470,121</b>

OPEN

## **Children and Families Committee**

**29 April 2024**

### **Travel support for children and young people – available walking routes update**

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**Report of: Deborah Woodcock, Executive Director of Children and Families**

**Report Reference No: CF/48/23-24**

**Ward(s) Affected: All wards**

#### **Purpose of Report**

- 1 This report details the activity to date in relation to the transport provided for students eligible because they do not have an available walking route (AWR) to school and sets out current and future proposals in relation to these routes.
- 2 The report also provides a brief overview of progress to date against the plans to transform travel support for children and young people to deliver the budget proposals set out in the medium term financial strategy.

#### **Executive Summary**

- 3 Significant progress has been made in relation to the activity to transform travel support for children and young people since March 2023. This includes development of a new dynamic purchasing system for transport operators, new arrangements for personal travel budgets, revisions to the school transport policies and a review of walking routes to school which are currently designated as unavailable.
- 4 Following approval at the children and families committee in September 2023, two routes were redesignated as available walking routes and eligibility for free school transport was removed from around 80 pupils attending Brine Leas Academy in Nantwich and The Fallibroome Academy in Prestbury.
- 5 A review of all other routes deemed unavailable to walk (and thereby making affected pupils eligible for free school transport regardless of distance from school) has been underway since September 2023. This review builds upon the work undertaken in 2017 where a number of 'schemes' (roads, crossings,

footway improvements) were implemented in order to allow the designation of those routes to be deemed as AWR.

## RECOMMENDATIONS

The children and families committee is recommended to:

1. Endorse the progress to date in relation to the transformation of travel support for children and young people.
2. Approve the proposed methodology and approach to reviewing all other hazardous walking routes in the borough as set out in this paper.
3. Endorse the proposal to bring back any further financially viable improvement schemes which could make further routes 'available walking routes' to a future committee for approval, noting that any capital funding requirements for enabling works on the highway will need to be considered as part of the council's overall programme for highways and transportation.

## Background

- 6 In November 2022, the children and families committee considered a report setting out the findings and recommendations from an independent review of travel support for children and young people. The committee agreed a number of recommendations to progress the transformation of travel support over the next three years.
- 7 Subsequent reports have been presented to the committee in March 2023, July 2023, September 2023 and February 2024 to approve details of the overall programme and individual projects and policy changes. An update on progress has been included in each report.
- 8 Since the last paper was considered by committee in February 2024, significant work has been underway in relation to implementing the policy changes and price increases agreed. These changes have been communicated to key stakeholders.
- 9 Work also continues to increase the number of suppliers on the new dynamic purchasing system (DPS) to increase the supply of active contractors and the competition for council contracts. A major route optimisation and retender exercise across the contracted routes in the south of Cheshire East at the end of 2023 was successful in reducing the cost and number of routes in operation. The same exercise is now underway for the north of the borough in time for the new routes to operate from September 2024.

## Available walking routes

- 10 In March 2023 members delegated authority to the Executive Director of Children and Families, in consultation with the Executive Director of Place, to make decisions in relation to progressing the milestone and activity in relation to the transformation of travel support. One of these milestones related to the

development of available walking routes, i.e., removing unavailable walking routes (UWRs).

- 11 An UWR is a route which is deemed to be not available to be used when calculating a pupils potential walking route to school for the purposes of distance measurement, which is a major component of whether a pupil is eligible for free school transport or not. The walking distance criteria is 2 miles for children who are below 8 years old and 3 miles for those aged 8 years old and above.
- 12 The council has an adopted policy for assessing whether a route is available to walk and this is based upon the [Department for Education's home to school travel guidance 2014](#) and [Road safety GB – assessment of walked routes to school guidance](#). Currently there are 80+ contracted routes / arrangements transporting 724 pupils who receive free school transport because of unavailable walking routes in Cheshire East.
- 13 In September 2023 members approved the implementation of two new available walking routes. This resulted in the withdrawal of free school transport for around 80 pupils in Prestbury (Fallibroome Academy) and Nantwich (Brine Leas Academy) and annualised savings of approximately £80k. Members also approved the recommendation to review other sites across the borough currently designated as 'unavailable walking routes' for any financially viable improvement schemes which could make those routes 'available walking routes'.
- 14 Eligible pupils at these two schools were given 12 weeks' notice of withdrawal of eligibility (as per council policy) and transport eligibility was removed with effect from 1 January 2024.

#### **AWR activity completed since September 2023**

- 15 The first two routes put forward for redesignation were relatively easy to progress in that they did not require any highways alterations as these had already been made. Therefore this only involved physically rechecking the routes, refreshing traffic counts and communicating with members initially and then other stakeholders once the decision had been made.
- 16 Further work has been required to review the feasibility of other schemes. A methodology of approach has been taken in order to ensure that we are looking at the UWRs where a scheme of improvements is going to bring a 'significant' financial benefit for the council. It is also important to note that preliminary investigations into the viability of any further schemes to be presented to members carries a cost at all stages of investigation. However, through the use of the proposed methodology we will seek to minimise this cost.

#### **Methodology / Approach**

- 17 There are currently 724 pupils eligible for school transport because of an unavailable walking route to school with around 84 arrangements for transport

support including bus passes, personal travel budgets and contracted vehicles. It is not possible to accurately assign costs to these 724 pupils as the transport arrangements they travel on also transport pupils eligible for reasons other than UWR. The total cost of all the routes carrying pupils with UWR (including the eligible pupils) is in the region of £2.5m per annum.

- 18 We are following a three step approach to investigating UWRs across the borough:

Step 1

- a. Initial desktop analysis to match existing pupils, routes, route cost and known data about the hazards causing the route to be deemed UWR. This has resulted in the data shown below and was carried out within the transformation budget by our consultants.
- b. A threshold was agreed whereby we put forward to Step 2 those routes where either >50% of the pupils travelling were eligible because of UWR **or** the hazard had not been reviewed in the previous round of UWR reviews **or** the previous review had been inconclusive **or** where there was a mixture of all 3 reasons.

Step 2

- c. Engage with Highways / UWR expert to further visually sift these identified routes through the use of google maps.
- d. This gave us an understanding of the exact road hazards involved, the extent of that hazard and the likelihood as to whether there was likely to be any potential to bring a viable scheme forward that would be credible in terms of payback.
- e. Grade all schemes from 1 (good potential to proceed) through to 5 (no potential to proceed).
- f. It is important to note that this work incurred costs through the council's Highways contract that was not included within the transformation budget.

Step 3

- g. For those schemes where good potential to proceed is identified, undertake a site visit to visually see the roads, traffic volumes, identified hazards and potential for solutions.
- h. Confirm whether the scheme can be taken forward further for inclusion within the Highways programme for feasibility, budget availability / authorisation and potential to be included in the Highways work / capital programme(s).

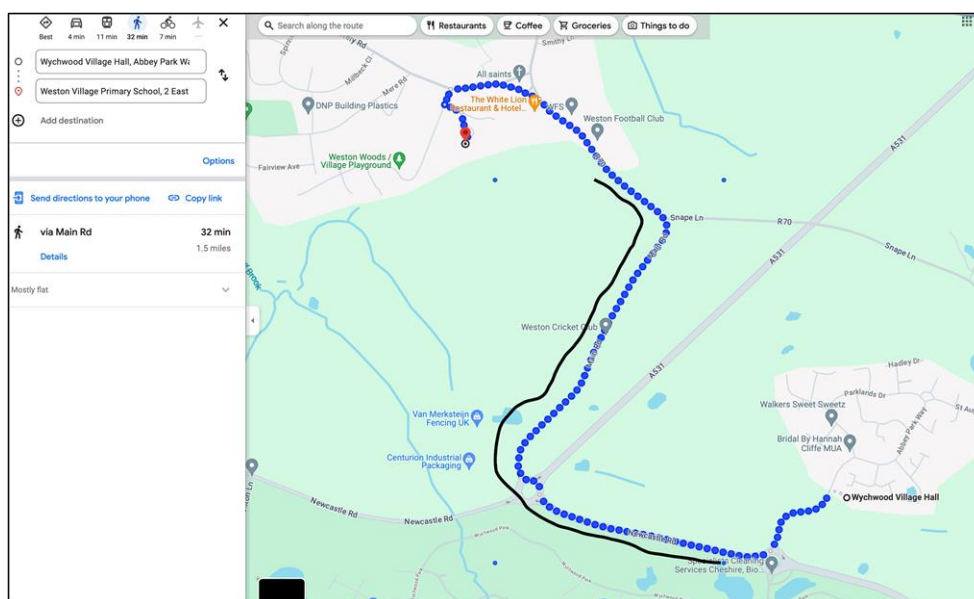


### Future steps

- i. The transformation team will bring together a group of interested parties across transport and highways to take a further look at all the data and see if anything has been missed in terms of opportunities to remove hazards and future agreed build programmes that could affect existing hazards.
- j. In addition, it will be important for the ongoing management of UWRs that there is regular dialogue on the subject between the Highways department and passenger transport team to include this subject but also for 'horizon planning' and early input in terms of building / housing schemes that will have potential to require additional school transport.

### Update on progress

- 19 To date, we are a large way through Step 2 of the above process and a number of schemes have presented with potential to be pursued further. Whilst the initial two completed schemes (Prestbury and Nantwich) were relatively easy and quick to bring before members, most others take longer and especially where highways capital improvements are required a time horizon of 12-24 months is not unrealistic.
- 20 Most pupils receiving eligibility for free home to school travel are due to road hazards that cannot be viably removed in order to be able to deem the route as walkable, both in terms of the financial cost to implement walkways / pavements / road improvements but also in many cases because of legal land ownership complications.
- 21 An example of this is the case of pupils both in Wychwood Park and in Wychwood village and the walking route to Weston Village Primary School. The walking route along Newcastle Road and Main Road to Weston Village is well over a mile and there is no pavement for most of the journey.



- 22 The diagram above shows in the dotted blue line the walking route from Wychwood Village to Weston Primary School (the route from Wychwood Park starts just beneath the roundabout but is essentially the same distance), the black line plotted against the blue dotted line shows the extent of the route which has no footway.
- 23 The cost of transport from Wychwood to Weston Village Primary is a portion of a £38k per annum contract which also services Crewe to Sandbach High. The cost of installing a footway is likely to be high (hundreds of thousands) even with cooperative land owners, which is not a viable financial payback proposition.
- 24 A feasibility study undertaken in September 2019 looked at alternative potential walking routes to school over to Snape Lane. It concluded that there was no available walking route principally because of:
- A lack of public right of way (there are permissive paths only)
  - Unwillingness of the landowner to negotiate
  - Overall potential cost to bring the route up to an acceptable standard
- 25 Conditions of the permissive paths in place have worsened since this study was undertaken and so this is an example of a route that we would not look to progress further through the process.

### Potential schemes

- 26 A number of schemes have come to light which members will want to understand. Progress against these schemes has been covered briefly below.
- 27 The majority of the pupils eligible under UWR from Malbank come from the Willaston and Blakelow area of housing, with a route that ordinarily would come via Crewe Road, the Peacock roundabout or via the Cheerbrook roundabout and along London Road. Most of these pupils live under 3 miles walking distance from school and would not be eligible for free school transport but for the following two hazards:
- i) **Peacock roundabout** – whilst it is possible to walk to the roundabout, the crossings required based upon traffic counts are not adequate to meet our rules for assessing this part of the journey as available.
  - ii) **Level rail crossing on London Road** – the risk at this crossing is that there is only one barrier on each side of the crossing based upon the direction of traffic flow and the potential route to school would involve crossing the railway line on the non-barrier side. In the previous round of UWR reviews the level crossing at London Road passed the council's assessment to deem it an available route from a highways perspective, although rail safety and risk assessments at level crossings is the responsibility of Network Rail. As part of the previous review, some electronic signage improvements were made on the non-barriered side on both sides

of the crossing, however this was not redesignated due to concerns about the single barrier. Discussions are ongoing with Network Rail to explore the potential impact on the risk assessment if additional school children were to use the route.

- 28 In terms of the Peacock roundabout hazard, a scheme of improvement utilising some Section 106 funding is already at the feasibility stage and the transformation programme is linking in with this proposal in order to understand what is to be achieved and how it can be influenced to allow us to pass this route as available once construction has been completed.
- 29 For the level rail crossing on London Road, the transformation team has made contact with the relevant Network Rail representative regarding this crossing. Network Rail assess this crossing for safety on an annual basis and this is currently underway. However unless there is a significant change, they are unlikely to change their risk profile and make any further safety improvements e.g. extending barriers the full way across on both sides. Attempts to influence this include the following:
  - a. We have supplied Network Rail with the numbers of children that may have to cross at this crossing in the future if the council were to revert to its standard AWR rules and deem this route as available.
  - b. We are undertaking pedestrian and traffic counts at the crossing, both during the week and at the weekend, to understand the volume of traffic and the subset volume that is pupil or young people crossing. We are trying to ascertain the level of current usage and therefore the level of risk involved should this crossing be deemed as available. Results will be brought to members for consideration, however, members may wish to simply revert to utilising the council's standard rules which when previously applied deemed this route to be available.
- 30 **Alsager School** - Alsager School has 89 pupils currently eligible for free school transport because of a hazardous route. Most of these pupils travel from Rode Heath and the full cost of transport is £93k per annum. There are 111 pupils in total travelling on the routes that carry these 89 passengers so a proportion of the £93k annual cost will remain even if the walking route hazards can be removed.
- 31 The work carried out to date has discovered a potentially available route that could be utilised this is:
  - (i) Walking from Rode Heath to the A50 and utilising the recently constructed crossing on the A50.
  - (ii) Utilising the existing pavement on the A50 up to the Lawton Arms.
  - (iii) Utilising the route behind the Lawton Arms to join the B5077.
  - (iv) Crossing the A50 at the B5077 at the traffic lights and walking through to the school from through Alsager.

- 32 A number of issues will need to be assessed / overcome before this can be brought to members for a decision:
- (i) Traffic counts at three crossings will be needed to ascertain if further crossing improvements are required, in particular if traffic light improvements will be needed at the intersection of the B5077 and the A50. Traffic counts are already underway.
  - (ii) Assessment of the existing footpath on the A50 where excess vegetation has started to encroach on the width of the path.
- 33 Other potential schemes are in the early stages of development / review and these include:
- (a) The Macclesfield Academy where 8 pupils from Gawsorth are currently eligible due to an UWR at a cost of £26k per annum.

### **Reasons for Recommendations**

- 34 The current arrangements for providing travel support for children and young people are unsustainable as the budget is under increasing pressure. The removal of travel support to ineligible pupils is one of the ways in which members have agreed to reduce this pressure. Whilst the removal of certain routes will lead to a reduction in the annual school transport budget, this needs to be balanced against the overall capital costs to the council of providing the necessary works to deem these routes available plus any future revenue implications on the highways budget in order to ensure routes are maintained to an adequate standard.

### **Other Options Considered**

- 35 The council could continue to provide travel support for ineligible pupils, but this would not reduce the current budget pressure. Continuation of home-to-school transport provision may be the more cost effective option in locations where the capital costs required to make a route available are prohibitively expensive and do not offer sufficient value-for-money. The assessment of value for money will be on a route-by-route basis, as proposals are developed further.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 36 The local authority is required by the Education Act 1996 as amended by the Education and Inspections Act 2006 to make suitable travel arrangements for eligible children to attend school. This includes the duty to promote sustainable modes of travel for children and young people of compulsory school age. The government has also issued statutory guidance called Home-to-school travel and transport guidance 2014.

- 37 This means that a local authority is under a duty to have regard to it when performing their duties in relation to home to school travel and transport and sustainable travel.
- 38 The local authority's transport duties apply in respect of arrangements for young people aged 16-18 years and those continuing learners up to 19 years. Under Section 509(AA) Education Act 1996 the local authority has a duty to set its own transport policy, details of transport arrangements and financial assistance in respect of reasonable travelling expenses that the local authority considers it necessary to ensure access to education or training for learners of sixth form age. The local authority must publish the statement before the 31 May and publishing by that date would demonstrate adherence with the law.
- 39 Section 509 (AB) (1) Education Act 1996 requires local authorities to set out how their transport statement facilitates the attendance of young people with SEND.
- 40 Local authorities should publish their transport policies on their "local offer" as required under s30 of the Children and Families Act 2014.
- 41 The local authority has a legal duty to ensure that any decision it makes is transparent and as the details in this paper are simply about enforcing existing policies no consultation is required.

### *Section 151 Officer/Finance*

- 42 The current arrangements for providing travel support for children and young people are unsustainable. The transport budget accounts for almost 20% of the budget for children's services. Any savings made against this budget will be reinvested into children's services and used to target those children and young people most in need through the MTFS.
- 43 Budget proposals relating to the transformation of travel support form part of the council's medium term financial strategy MTFS 24. This includes a funding increase for home to school transport costs of £8.5m between 2023/24 and 2027/28, but changing eligibility criteria to maintain a sustainable service. These proposals are a key part of this change and would help realise a proportion of savings that are included in the £2.1m proposed savings, included within the +£8.5m MTFS, over the next four years.
- 44 A breakdown of the school transport budget for 2023/24 is set out below:

Budget Area	£'000
Direct Transport - Home to School Contracts	15,237
Commissioning Budget - School Crossing Patrol & Flexi link	395
Staffing	525
Spare Seat and Post 16 Income	-57
Further Mitigation - Challenge process SEND	-500
Estimated savings put forward by Edge	-545
<b>Total Budget</b>	<b>15,055</b>

- 45 Proposals regarding availability of walking routes to school form part of the 'Estimated savings put forward by Edge' line of the budget.
- 46 Any works undertaken to remove hazards and make routes suitable to be deemed "available" requires input from Highway Service and will incur costs. Moreover, if any pathways, crossings or other highways improvements are proposed, this will not only require capital funding but ongoing revenue funding for maintenance will also need to be considered. Integration with the council's annual programmes for highway works is essential through consultation with the Director of Highways and Infrastructure. A decision will need to be made on a case by case basis whether there is an overall cost saving for the council in carrying out these works.

### *Policy*

- 47 The eligibility for transport in relation to available walking routes is set out in the council's school transport policies. Proposals within this paper are in line with the current policies.
- 48 Proposals support the following council's priorities and aims.

<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>	<b>A thriving and sustainable place</b>
<p>Ensure that there is transparency in all aspects of council decision making</p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation</p>	<p>Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential</p>	<p>A transport network that is safe and promotes active travel including walking</p>

### *Equality, Diversity and Inclusion*

- 49 An equality impact assessment has been completed in relation to transformation of travel support and specific to the work around available walking routes.

### *Human Resources*

- 50 There are no HR implications in relation to the proposals within this report.

### *Risk Management*

- 51 A risk management framework has been established as part of the transformation programme for travel support.

- 52 This change is taking place within the rules of the current school transport policies, however, there will be a number of parents / carers who will lose free school transport because of these changes and it is likely that this will lead to an increase in complaints.
- 53 There is a risk the council could spend money on schemes that will not provide the necessary revenue savings to offset these costs. The proposed methodology will identify these schemes to avoid unnecessary spend.

### *Rural Communities*

- 54 Children and young people across all areas of Cheshire East access travel support. However, as the statutory provision of free home-to-school transport is based on distance to school, residents in rural areas of the borough are more likely to be eligible for travel support and therefore affected by any changes. Children living in rural communities often rely on travel support to access their learning and any proposals to improve the delivery and customer experience for these services supports these rural communities.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 55 Children, young people, and their parents are key stakeholders in the transformation programme, and this proposal looks to improve travel options for eligible students.

### *Public Health*

- 56 The provision of walking and cycling routes to school and promoting active travel, including safer walking routes to school, is in line with our Public Health priorities. Extending and improving the travel options available could encourage more active and healthy methods of getting students to school.

### *Climate Change*

- 57 If approved, the proposals in this report will mean that more pupils will have an available walking route to school than was previously the case. Should parents decide to transport their children instead of walking, there is potential for increased traffic. However, we will be looking at options for parents to buy spare seats, if appropriate.

<b>Access to Information</b>	
Contact Officer:	Richard Hibbert, Head of Strategic Transport & Parking <a href="mailto:Richard.Hibbert@cheshireeast.gov.uk">Richard.Hibbert@cheshireeast.gov.uk</a>
Appendices:	N/A
Background Papers:	The current school transport policies can be found at: <a href="https://www.cheshireeast.gov.uk/school-transport-policies">School transport policies (cheshireeast.gov.uk)</a>

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**Children and Families Committee****29 April 2024****Decision on the future delivery of the School Catering Service**

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**Report of: Deborah Woodcock, Executive Director Children's Services****Ward(s) Affected: All****Purpose of Report**

- 1 This report provides further information on the impact of the proposal to cease the delivery of Cheshire East's catering service and seeks a decision from members to cease trading from April 2025.

**Executive Summary**

- 2 A detailed paper was considered by the children and families committee in February 2024 in relation to a number of options for the future delivery of the catering service.
- 3 The committee sought further information from schools before making a decision. The committee therefore approved the proposal to enter into discussions with those schools who buy into the service to cease the provision by the end of December 2024, if possible.
- 4 A meeting with all affected schools took place on 8 March and this was followed up with a subsequent survey to gain further feedback from schools.
- 5 It is now essential for members to make a decision on the council's proposed approach to delivering the efficiencies needed, linked to the removal of the subsidy of £515k this financial year. It is proposed that this is delivered through an increase to the existing price of school meals from September 2024 and to cease trading by April 2025.

### Recommendations

The Children and Families Committee is recommended to:

- a. Consider the findings from the survey to schools and endorse the council's response as set out at Appendix 1.
- b. Approve the proposal to cease trading Cheshire East's catering service by April 2025.
- c. Delegate authority to the Executive Director of Children's Services to make all necessary arrangements for the council to cease trading the catering service.

### Background

- 6 The report to committee in February 2024 detailed the background to the current position in relation to Cheshire East's catering service. This included the options, risks and issues for the future delivery of the catering service to remove the current subsidy from the council. It sought a decision from members on the future delivery of this service.
- 7 In summary:
  - (a) The responsibility for the provision of school meals sits with individual schools.
  - (b) Cheshire East schools currently have a number of different arrangements for the provision of their school meals, including some that buy back from Cheshire East's Catering Service or use another third party provider and some that provide school lunches themselves.
  - (c) Cheshire East's catering service currently provides over two million meals each year and supports 87 schools (82 primary, 4 special schools and 1 pupil referral unit) through a traded service. Since the February committee, three schools have given notice to opt out of the traded service and will be providing their own school meals from September 2024.
  - (d) As a traded service to schools and a non-statutory duty of the council, it is expected that the school meals service should be fully funded from income. However, the council has increasingly been supporting a shortfall between income and expenditure which was projected to be over £900k in 2023-24 at the start of the year (£515,580 base budget and £422,955 of pressure).
  - (e) A January 2024 price increase offset the 2023/24 school catering shortfall by approximately £207,600, however, the increased charge will not support its long term viability and further action is required.
  - (f) Separate discussions are ongoing with adult services in relation to the Extra Care housing service who currently use the school catering team to provide food in two locations (Oakmere and Willowmere).

- 8 Following discussion at the February committee, officers were asked to provide further information from schools before making a decision, with this being fed back to committee at the earliest opportunity. The committee therefore approved the proposal to enter into discussions with those schools who buy into the service to cease the provision by the end of December 2024, if possible.
- 9 A meeting with all affected schools took place on 8 March and this was followed up with a subsequent survey. The feedback provided by schools is set out at Appendix 1.
- 10 It is now essential for members to make a decision on the council's proposed approach to delivering the removal of the subsidy of £515k, as this was approved as part of the council's MTFS for 2024/25 in February 2024. It is proposed that this is delivered through an increase to the existing price of school meals for 2024-25 and to cease trading by April 2025.

### **Feedback from schools**

- 11 Officers have worked with East Cheshire Primary Heads Association (ECAPH) to support schools in considering the options for the future delivery of catering services in their individual schools.
- 12 On 8 March 2024, a meeting took place with affected schools to discuss issues and concerns in relation to proposals around the school catering service. A number of issues were raised at this event around the proposal to cease trading Cheshire East's catering service from December 2024.
- 13 The main issues were around:
  - The impact of a further increase in school meal costs on school budgets – schools were keen for all cost-saving options to be explored to reduce the school meal price.
  - The timing of the proposal to enable schools to make alternative arrangements and for the local authority to deliver the transition across all schools – there was some concern that more time would be needed for schools to put in place alternative arrangements.
- 14 A further survey was sent out following the meeting with schools to gain more detailed feedback, with a closing date of 28 March. We received a good response rate to the survey, with 52/87 schools (60% of those surveyed) responding to the survey. In summary, the survey showed that schools are largely open to efficiencies being made and are supportive of some of the cost saving approaches, but not others. The survey also suggests that schools would predominantly want to procure third party providers to provide their catering service, either individually or as a collaborative. Most schools would prefer the service to continue longer and allow for an extended exit period rather than it being as short as possible. Details of the feedback provided and the proposed council response to these are set out at Appendix 1.

### **Removing the subsidy to the school meals service in 2024-25**

- 15 As it is now proposed that the catering service will cease trading by April 2025, a plan needs to be in place to deliver the removal of the current subsidy to the school meals service in 2024-25 in line with the MTFS. The main way that this can be achieved is through reduced expenditure and increased income from schools, i.e., by increasing the price that the council charges schools for the delivery of each school meal.
- 16 The universal infant free school meals (UFSM) grant provides funding for all government funded schools to offer free school meals to pupils in reception, year 1, and year 2. Schools must provide school meals to a pupil free of charge if the pupil and/or a parent meets the eligibility criteria for free school meals. In the 2023-24 academic year, the government grant was set at £2.53 and assumes that pupils will take 190 school meals over an academic year. Schools also offer a paid meal service for those children who are not entitled to free school meals. Currently, approximately two-thirds of meals provided are FSM and the remainder are paid for meals.
- 17 It has been recognised that funding for free school meals has not kept pace with inflation<sup>1</sup>. The Local Authority Catering Association (LACA), the body representing school caterers, believe that the funding rate for both UFSM and FSM should be equal and should increase to a minimum of £3.00 per meal and then be subject to annual index linked increases (RPI) to cover the rising costs of food, labour and equipment each year. This is the best way to ensure that caterers can deliver healthy and nutritional meals that meet the School Food Standards. The 2024-25 FSM rate is not yet known, but it is expected that it will increase.
- 18 The cost of a school meal in Cheshire East was increased from January 2024 to £2.53 for a free school meal (in line with the amount received by schools from the government) and a 15% increase for paid meals. Prior to this, prices had not been increased since before 2019. The paid school meal price currently ranges from £2.42 To £2.65.
- 19 Schools have asked that all school meals (free school meals and paid for meals) are charged at the same rate. Initial estimates suggest that the council would need to charge an average of £3.40 per meal from September 2024 to reduce the budget pressure in the 2024/25 financial year. Work is underway to see if this could be reduced further.
- 20 Each school currently charges parents/carers a different amount for its schools meals. It is expected that schools will pass on some or all of the proposed increase in charges on to parents to bridge the gap in their budgets, so any increase in charges is likely to impact on families or the profitability of the service if those families choose not to pay for a school meal. Any

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<sup>1</sup> [The policy menu for school lunches: options and trade-offs in expanding free school meals in England | Institute for Fiscal Studies \(ifs.org.uk\)](https://ifs.org.uk/policy-menu-for-school-lunches-options-and-trade-offs-in-expanding-free-school-meals-in-england)

significant reductions in the take up of paid meals is likely to increase the budget pressure further.

## **Consultation and Engagement**

- 21 The removal of the council's subsidy to the school catering service was included in the budget proposals for 2024/25 and was subject to public consultation.
- 22 In addition to the public consultation, a survey was sent out to those schools who buy into the school catering service on the 11 January 2024. The results of this survey were reported to the committee in February.
- 23 On 8 March, a meeting took place with affected schools to discuss issues and concerns in relation to proposals around the school catering service.
- 24 A further survey was sent out following the meeting with schools to gain more detailed feedback, with a closing date of 28 March. The findings of this survey are set out at Appendix 1.

## **Reasons for Recommendations**

- 25 A decision about the future delivery of the school catering service to deliver the removal of the council's subsidy is needed as soon as possible to remove the financial pressures of the service. The subsidy was removed as part of the MTFS, which was approved by the council in February 2024, so if action is not taken there will be a budget pressure for the council in 2024/25.
- 26 As a non-statutory service, the council does not have a duty to provide this service and is not in a position to continue to provide a financial subsidy.
- 27 School catering is a privatised, profit generating enterprise. This has attracted many commercial providers to the space, who have the expertise to deliver school catering at a more competitive price than the local authority, whilst retaining food standards in schools. Over half of Cheshire East's schools currently use alternative arrangements to the local authority's catering service, with many local authorities across the nation ceasing to provide catering internally and successfully delivering it externally.

## **Other Options Considered**

- 28 A number of options were included in the February report. These were not considered as viable options in the light of the current financial position of the council and the lack of skills and capacity within the wider council to support these.

## **Implications and Comments**

*Monitoring Officer/Legal*

- 29 If members support the recommendation that the council cease school meals provision; then consideration needs to be given to the contractual provision. For schools where school meals are currently provided there is in place a service level agreement which would in the first instance govern any exit arrangement. The agreement requires notice to be given in any given year by no later than 30 September, being a notice to terminate with effect from 31 March in the following year. This notice period is of a suitable length to allow schools to find alternative arrangements. If arrangements are proposed to be terminated before 31 March 2025; then this will have to be agreed with

**4 Price and Charging**

- 4.1 The SLA price will be estimated annually and reviewed at the end of each term to take into account the effect of inflation, tariff changes, any service improvements, any decisions taken by the school that effect the trading position, changes in pupil numbers on roll, and any changes to legislation.
- 4.2 This process will provide a rolling agreement between Cheshire East Catering and the School identifying the outcome for the previous term, likely outcome for the following term, and an agreed and joint plan of action. It will be based on open access by the School to the income and expenditure analysis relating to Catering in the School.
- 4.3 The SLA price will represent a price net of income and will be charged on a bi annual statement , which will include:-
- Calculation of the SLA charge or payback
  - Details of the charge for any staff meals supplied
  - Details of the charge for any pupil free meals supplied

individual schools on a case by case basis. It should be noted that the service level agreement provides for price review and price setting as follows; it is understood that this mechanism has been deployed to provide for the increases already instituted and if further increases are proposed would be applied again.

- 30 If the council ceases its catering provision, there will be staffing implications to consider. Approximately 270 staff are engaged in the catering service. Assuming the schools and extra care services find alternative providers, it is likely that TUPE could apply to transfer the employment of CEC staff to the new provider(s). For TUPE to apply there needs to be an organised grouping of employees who are essentially dedicated to the service, and the service needs to remain fundamentally the same after the proposed transfer. TUPE imposes strict legal obligations on consultation and engagement with affected staff which will need to be adhered to or risk claims for failure to consult. It is unlikely that TUPE would apply to management positions and so there will need to be redeployment/redundancy consultation for any staff not subject to TUPE. Redundancy costings should be sought and consideration of any suitable alternative employment.
- 31 There will likely be ongoing pension costs to consider as the council will need to enter into a pass-through admission agreement arrangement with any new provider regarding their admission into the Local Government Pension

Scheme for transferring staff. Further information and costings should be sought from the Pension Fund regarding this.

### *Section 151 Officer/Finance*

- 32 In 2023-24, the council has contributed a budget of £515,580 to the schools catering service. Forecasts early in the year estimated a pressure/overspend on the budget of approximately £422,955, so there was an overall projected subsidy of approximately £940k.
- 33 The expected total subsidy for 2023/24 at year end is now currently estimated to be around £620k. This is a mitigated position due to the price increases actioned in January 2024.
- 34 The January 2024 increases in charges offset the school catering shortfall in 2023/24 and should provide a full year increase of around £710k in 2024/25. However, the increased charges to date will not support the long term viability of the service.
- 35 The council approved the high level business case in the 2024/25 MTFS to remove the council subsidy of £516k from the school meals service from 2024/25, so there is no budgeted subsidy for this service in 2024/25.
- 36 The costs to deliver the service are expected to increase further in 2024/25 linked to pay increases and inflation on costs, and these costs will need to be recovered through increased charges.
- 37 Projections for 2024/25 indicate that there will be a financial pressure for school catering unless there is a significant further price increase for school meals. Based on the existing model and assuming inflationary increases for staff and meal costs, then early estimates suggest that the meal price, for both free and paid meals, will need to increase to around £3.40 per meal in order to cover the costs of the service.
- 38 Work is being undertaken to look at options to reduce the costs of the service in the interim. In order to give an idea of the scale of savings needed, delivering a reduction of 20p per meal requires cost savings of around £400k.
- 39 These figures are based on estimated levels in inflation in costs, as well as estimated numbers of school meals. As this is an activity based income stream it is not possible to accurately say what the actual income will be.

### *Policy*

- 40 The proposal to cease trading Cheshire East's catering service will not require a policy change.

### *Equality, Diversity and Inclusion*

- 41 An EIA has been completed.

### *Human Resources*

- 42 Approximately 270 staff are employed by the catering service. To cease the service will require significant work to put in place TUPE arrangements for those staff based in schools, along with redeployment or redundancy for staff in the central team.

### *Risk Management*

- 43 There is a risk that Cheshire East schools either struggle to find an alternative provider for their school meals or that this is only available at a much higher cost, putting further pressure on our schools and their budgets. It is difficult to make comparisons with competitors as prices tend to be prepared on a school by school basis and is commercially sensitive information. The APSE report produced in 2023 stated that the UIFSM grant is 'considered to be inadequate by LACA, the body representing school caterers, and other industry groups. In Wales the UIFSM funding is at £2.90 and in Scotland it is £3.30. According to APSE Performance Networks for the North West on Performance Indicator 11c, the average total cost per lunchtime meal excluding corporate overheads is £3.04'.
- 44 One of the risks of introducing a further charge to schools is that they may decide that the service is unaffordable or no longer want to trade with the council and seek an alternative provider before April 2025. Parents whose children buy meals may also decide that they cannot afford the increased price and so do not buy a meal. In both cases this would increase the gap between income and expenditure.
- 45 There are risks that the cost of running the school catering service will continue to increase and we will need a charging policy that ensures that these costs are not met by the council. If the service continues to operate up to March 2025, the pressure on the budget is likely to increase.
- 46 There is a risk that uncertainty around the future of the service will impact on the workforce. Turnover and sickness of staff in schools is already an issue, which means that the school catering team often end up supporting delivery rather than managing or developing the service. Council staff may choose to leave the service unless there is a clear future plan.

### *Rural Communities*

- 47 There have been challenges to maintain school meal services in some smaller and rural schools and this will need to be carefully considered in wanting to maintain strong and viable performance in such schools. These schools may experience more challenges in getting an alternative school meal provider.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*



- 48 The government encourages all schools to promote healthy eating and provide healthy, tasty and nutritious food and drink. The school food standards are to ensure that food provided to pupils in school is nutritious and of high quality; to promote good nutritional health in all pupils; protect those who are nutritionally vulnerable and to promote good eating behaviour. This is particularly important for those children who are eligible for free school meals, who are more likely to experience food poverty at home.

### *Public Health*

- 49 The analysis carried out by the Public Health team in relation to the school catering service was reported to the February committee. In summary this showed no clear correlation between poverty levels or excess weight in relation to the service operating in Cheshire East schools and that the subsidy provided was not sufficiently targeted to our most vulnerable pupils through a period of high need.

### *Climate Change*

- 50 The need to cover staff in school across Cheshire East when they are absent has increased travel for identified staff. The use of local providers is a real effort to reduce travel of food goods to schools on a weekly basis.

<b>Access to Information</b>	
Contact Officer:	Gill Betton, Head of Children's Developments and Partnerships <a href="mailto:Gill.betton@cheshireeast.gov.uk">Gill.betton@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Assessment of proposed options
Background Papers:	February committee report: <a href="https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s114733/School%20Catering%20Report.pdf">https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s114733/School%20Catering%20Report.pdf</a>  February committee report Appendix 1: <a href="https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s114734/Appendix%201%20-%20catering%20service%20assessment%20of%20options.pdf">https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s114734/Appendix%201%20-%20catering%20service%20assessment%20of%20options.pdf</a>

### Feedback from schools and proposed council response

Feedback provided	Proposed council response
<p><b>Options to reduce the price of school meals</b> - responses showed that the areas most supported by schools were:</p> <ul style="list-style-type: none"> <li>• Not offering milk every day (61%)</li> <li>• Less menu changes/simpler menus (61%)</li> <li>• Cheaper cleaning products, if available (61%)</li> <li>• Provide cheaper menus options, e.g., more pasta dishes (51%)</li> </ul> <p>Less popular options were:</p> <ul style="list-style-type: none"> <li>• Smaller portion sizes to reduce waste, if possible (14%)</li> <li>• Not provide a pudding every day (14%)</li> <li>• Not provide fruit every day (14%)</li> <li>• Stop doing kitchen repairs ( 6%)</li> </ul> <p>Other suggestions included agreeing to all options/none of the options, looking for better value/cheaper products, asking for meal requests in advance to reduce waste and using frozen food.</p>	<p>Regardless of the ongoing delivery decisions, the service is currently committed to reducing costs as much as possible by applying all the options supported by the majority of schools, including simplifying menus and offering more menus that provide more value for money. We are currently carrying out financial modelling on these options to see the impact on the price of meals. Other efficiencies being considered include redeploying staff, increased senior management scrutiny and oversight of spend (including kitchen maintenance costs), removal of postal services, reviewing catering costs and increased scrutiny on kitchens meeting meal target costs. By implementing these cost control protocols, the service is working to limit cost increases, which would ultimately be paid for by schools/families.</p>
<p><b>Schools preferred future delivery approach</b> – the following shows the preferred model of delivery currently being considered by those schools who responded:</p> <ul style="list-style-type: none"> <li>• Schools would like to enter into a collaboration with other schools (40%)</li> <li>• School will seek its own alternative catering provision from another third party (33%)</li> <li>• School will run provision themselves (8%)</li> </ul> <p>Other responses included some schools who were still unsure about which approach to take and needed more information and time to do this. Some were looking to their multi-academy trusts (MATs) to support them with a collaborative approach. Some were worried about the quality of other providers and some</p>	<p>It is proposed to offer a range of support to schools as they move to an alternative school catering arrangement.</p> <p><b>Cheshire East Council support</b> – A school catering working group has been established within the council to bring together key services that can support schools in moving to a new catering arrangement. This includes Procurement, HR, Legal, the Catering Service, Research and Intelligence and Communication. Project management support is also in place to support this work over the next year. Work is already underway to plan this work, supported by a detailed action plan. One of the areas that schools were most concerned about was the TUPE transfer arrangements. There is already a robust process in place that has been followed over the</p>

smaller schools were concerned that they may not find a provider who would deliver their school meals.

years as schools have opted out of Cheshire East's arrangements and HR are confident that this can be achieved within the proposed timeline. A support pack, including frequently asked questions, will be sent to schools following the April committee. Schools will be supported to explore their options to procure alternative provision, including the pros and cons of each of these and any issues or risks they need to consider. Group and individual school support sessions required will be facilitated wherever possible.

**ECAPH** – the primary schools association are being proactive in supporting schools. They have already put on some support sessions for schools and have put them in touch with other resources such as those provided by the Department for Education (DfE) below. At the event on 8 March, a number of existing school catering organisations were invited to set out their services and options for schools. ECAPH have also connected with a consultant who may be able to set up collaborative agreements for groups of schools.

**DfE** – The DfE offers a free and impartial service to support schools end to end with the procurement of their catering service. The 'Get help buying for schools' service is run by a team of procurement specialists. Get help buying for schools is a free and impartial service, delivered directly by the DfE, for all state funded schools in England. The service provides:

- general guidance or specific advice on buying goods or services for school
- support with catering services for schools using a framework agreement
- buy on behalf of schools through a framework agreement
- buy on behalf of schools by getting quotes or bids for contract renewals or new procurements from an open supplier market

**YPO** – YPO is a public sector procurement organisation dedicated to working with the public sector, including schools. They operate as a public

	<p>sector buying organisation supplying products, goods, and services to its members, with their primary aim to streamline the procurement process, save costs, and ensure compliance with procurement regulations for its members. YPO works by establishing framework agreements and contracts with pre-approved suppliers to allow their members to access suppliers and procure services more efficiently and safely. The YPO has agreements that are ready-made for schools to access to support them with the procurement of a new school catering provider if this is their chosen option.</p>
<p><b>Timescales</b> - in response to when schools would like to see the service cease:</p> <ul style="list-style-type: none"> <li>• 65.38% said March 2025 or longer</li> <li>• 34.62% said as soon as possible (likely December 2024).</li> </ul>	<p>It is proposed to cease the service by April 2025 to provide schools with more time to put in place alternative arrangements.</p>
<p><b>Anticipated impact on the school of the council ceasing its school catering service and increasing prices</b></p> <p>Schools expressed various concerns and opinions on potential changes, including price increases, worries for existing staff, unexpected budget pressure and worries about completing the procurement process. A summary of the key points are:</p> <ul style="list-style-type: none"> <li>• <b>Budget</b> - Schools are concerned about budget pressures of passing the service over to them or paying for price increases in 2024-25 and beyond.</li> <li>• <b>Workload and timescale</b> – some were worried about the increase work for administration staff to transfer to another supplier and the time that this would take.</li> <li>• <b>Experience around procurement</b> - Many comments discussed staffing concerns and the lack of procurement experience within the school to successful conduct the procurement activity and achieve best value for money.</li> <li>• <b>Impact on staff</b> – Concerns around the impact on existing staff of the proposed</li> </ul>	<p>Given the current financial position of the council, it is not possible to continue to subsidise school meals and to meet the MTFS agreed by the council for 2024-25. There will need to be a further increase in prices. Whilst this will be kept to a minimum, it is expected to be a significant increase for schools.</p> <p>As set out above, there are a number of ways in which schools and their staff will be supported through the process and we will continue to engage with schools to ensure that we coordinate this support, wherever possible. This includes connecting them with those who have expertise in procurement and can run this process on their behalf and advising on how to choose a quality supplier.</p> <p>In terms of the TUPE transfer, our HR department have carried out this exercise for a number of schools already and have plans in place to upscale this exercise to include all existing schools who buy back catering services from Cheshire East. We are continuing to communicate with schools and staff affected so that they are updated on the current position and likely timescales for change.</p> <p>Our most vulnerable families are likely to be eligible to free school meals, which means that any increase in charges will not have a direct impact on</p>

<p>change, including TUPE arrangements, especially around their pensions. Some were concerned about losing quality staff members.</p> <ul style="list-style-type: none"> <li>• <b>Quality of providers</b> – some are worried about providing hot meals to children who require it and worried about the quality of catering providers due to mixed reports.</li> <li>• <b>Increase in cost of paid school meals to parents</b> – some were worried that the increase in prices would need to be passed to parents and would impact on their ability to pay and could lead to reduced school meal uptake.</li> <li>• <b>Small and rural schools</b> – some were concerned that they may experience difficulties in finding another supplier due to rural location and size of their school.</li> </ul>	<p>them as they do not pay. However, schools may have to subsidise this from their existing budgets.</p> <p>Those parents whose children are not eligible for free school meals are likely to experience an increase in the price they pay for a school meals. This may vary from school to school depending how much of the increase schools pass onto parents.</p> <p>We will look specifically at options for our small and rural schools. It may be that being part of a collaborative will help them to secure a better service.</p>
<p><b>What can the council do to support schools with the impacts identified</b></p> <p>Schools identified the following ways in which the council could support them:</p> <ul style="list-style-type: none"> <li>• Provide <b>support and advice</b> on options for schools on the <b>procurement process</b>, contracts etc and options including suitable companies capable of providing the service.</li> <li>• Work with schools to <b>find an alternative supplier collectively</b>.</li> <li>• Ensure that <b>equipment is left at the schools</b> for continued use.</li> <li>• <b>Keep costs down</b> until the service ceases and explore options for cost-saving within the service.</li> <li>• Consider providing <b>additional budgetary support/continue to subsidise meals</b> to help mitigate cost impacts and provide financial support and guidance to schools facing budgetary challenges and transitions in catering services.</li> <li>• Make <b>prompt and informed decisions</b> to support schools during the transition and ensure a <b>smooth process is in place</b>, including <b>communicating clearly</b> with schools, staff and other</li> </ul>	<p>As above, the council will be offering a range of support that will address most of the areas identified by schools. The area where we cannot support further is in providing financial support or subsidy due to the financial pressures of the council.</p>

<p>stakeholders, providing timely information on TUPE and transfers.</p> <ul style="list-style-type: none"> <li>• Ensure that <b>portion sizes and nutritional quality are maintained.</b></li> </ul>	
<p><b>Further information schools think the council should take into account when considering the proposal to cease trading and to increase the price of school meals</b></p> <ul style="list-style-type: none"> <li>• <b>Simplifying menus</b> to include daily options like sandwiches and jacket potatoes could better meet the needs of students.</li> <li>• Consideration should be given to <b>making existing catering staff redundant rather than TUPE'ing</b> them, with the option for schools to reemploy them under new contracts and hours if desired.</li> <li>• Consider the potential negative <b>impact on school budgets</b> and services and explore <b>alternative cost-saving measures within Cheshire East Catering to avoid ceasing trading</b>, such as reducing services or collaborating with schools.</li> <li>• <b>Take into account the potential impact on parents'</b> ability to afford school meals, which may lead to lower uptake and affect children's well-being.</li> <li>• <b>Communicate effectively</b> with schools and parents regarding the reasons behind the proposal and the potential consequences and ensure communicate is regular and transparent, even if there are uncertainties.</li> <li>• <b>Consider the impact on special schools</b> and disabled pupils, as well as the local businesses and suppliers that may be affected by the cessation of the service.</li> <li>• <b>Provide financial support and guidance for schools</b> if Cheshire East ceases providing catering, including assistance with finding alternative providers and understanding TUPE processes.</li> <li>• Ensure <b>proper notice is given before any price increases.</b></li> </ul>	<p>The information provided by schools has been considered in the proposed changes for school catering and are informing the priority actions of the working group.</p> <p>Suggestions in relation to further savings are currently being fed into the financial modelling that we are carrying out to determine the level of price increase required from September 2024 to address the school catering budget shortfall. We hope to be able to inform schools on the proposed price increase soon after the April committee.</p> <p>Legislation in relation to TUPE will be strictly following which means there is no option to make staff redundant ahead of the transfer of services.</p> <p>A communication plan is in place to ensure that key stakeholders are kept up to date on in relation to the changes around the school catering service.</p>

<ul style="list-style-type: none"><li>• <b>Take into consideration the wider community's interests</b>, including parents, families, school staff, and local businesses affected by the decision.</li><li>• Provide <b>guidance and benchmarking for schools</b> on employing alternative catering companies.</li><li>• Some are <b>sad or angry that the service is closing</b> down</li></ul>	
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OPEN

## Children and Families Committee

29 April 2024

### Children and Families Q3 (October - December ) Scorecard 2023/24

Report of: Deborah Woodcock, Executive Director of Children's Services

Report Reference No: CF/53/23-24

Ward(s) Affected: All Wards

### Purpose of Report

- 1 To provide the Children and Families Committee with an overview of performance against the core indicator set within children's services. This report covers a range of the corporate objectives under the overarching corporate priority of a fair authority.

### Executive Summary

- 2 This report provides an overview of quarter 3 performance for children and families services for the relevant indicators for the reporting year of 2023-24(1 October 2023 – 31 December 2023).
- 3 The committee will note the rate per 10,000 from quarter 3 is now calculated using the ONS mid-year estimate of 0-17 yr olds of 78,417 in line with the data published the latest Statistical first release [Children in need, Reporting year 2023 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://www.gov.uk/explore-education-statistics). This has increased from the 2020 mid year estimate of 78,068.
- 4 The committee will note that the national and statistical neighbour benchmarking data, where applicable, has been updated to reflect the 2022/23 reporting year statistical first release highlighted above

### RECOMMENDATIONS

The Childrens and Families Committee is recommended to:

1. Scrutinise the performance of children's services for quarter 3.

## Background

- 5 The outcomes framework scorecard contains 55 indicators across children's services and provides an overview of the core activity with the service areas that demonstrate how we support and safeguard children and young people in Cheshire East.
- 6 The following indicators have been highlighted for consideration – please note the numbers relate to the corresponding indicator in the attached appendix outcomes framework scorecard.

## Social Care

- **1.15 - % of assessments completed within 45 days.** Quarter 3 shows a continued improvement, with a quarterly performance better than both the latest available statistical neighbour and national picture. This is seen as an early indicator that when needed individuals are receiving support in a timely fashion.
- **1.18-1.19 number and rate of S47 enquiries.** A s47 enquiry is undertaken when a child or young person is assessed to be at potential risk of significant harm. Our levels have been higher than our statistical neighbours. The Q3 performance and audit activity confirms that we are undertaking the appropriate level of intervention when required.
- **1.2 -1.21 – number and rate of Initial Child Protection Conferences.** Following a significantly high volume in quarter 2, the number in quarter 3 was more in line with an average quarter seen throughout 22/23. It is important to note that a couple of large families can have a significant impact on these indicators as they are report by individual not family cohort.
- **1.24 - % of ICPC within 15 days of S47 enquiry.** There has been a significant improvement in quarter 3. Holding the initial conference in a timely fashion, following the decision that one is required, is an indicator that the multi-agency partnership is working effectively to reduce risks and support families that require a more specialist intervention.
- **1.27-1.28 – number and rate of Children in Care.** The latest picture continues to show a reduction and whilst higher than statistical neighbours is lower than the national average and one of the lowest in the Northwest.

- **1.29** - Children looked after who had their teeth checked by a dentist in the last 12 months (%). There has been a small drop in quarter 3 performance. There is a focused piece of work to ensure that all appointments that have taken place have been captured and recorded in the appropriate section of the child's record together with addressing any overdue appointments with both carers and health.
- **1.31-1.32** – Children placed over 20 miles from their home address. There has been an increase in the % of both those placed in and out of borough. Whilst every effort is taken to place individuals close to their family and friends' network sometimes this is not possible. Whilst in some cases this may be the safest and most appropriate placement we continue to work closely with providers and develop our foster carer recruitment to ensure a sufficiency of provision within the borough.
- **1.37-1.4 – Social worker workforce data.** The latest data shows a reduction in the use of agency workers without a significant impact on overall establishment and vacancy rates. The continued oversight and management for timely closure is ensuring that caseloads remain consistent and at manageable levels.

## Education

- **2.1-** There has been a small increase in the % of good/outstanding primary schools increase due to Monks Copenhall Primary Academy receiving a Good Inspection outcome for its first inspection since conversion. Together with secondary schools we remain consistently higher in the % of good and outstanding schools compared to our statistical neighbours and the national picture. The % of special schools is impacted by one school still awaiting inspection.
- **2.14 – 2.17** – Attendance data for the first term of the 23-24 school year shows a consistent picture at primary school level. Average attendance for secondary school students shows a slight improvement.
- **2.18 – Elective Home Education.** This is a slightly higher rate than Q2 but it is important to note this is a different school year cohort. Proactive work is ongoing by the team to support effective transition to new school years / establishments enabling the young people and families to re-enter school provision as soon as possible.

- **2.19 – Children Missing Education.** There is often an increase in Q3 when individuals don't enrol as expected at the start of the new school year. In the main this is because parent/guardians haven't notified that they have either moved or taken up an alternative place. The team utilises a national schools system to resolve UK moves together with national agencies where individuals are believed to have moved abroad.
- **2.2 - Total number with an education, health and care plan (EHCP) aged 0-25.** As a December 2023 there has been a further small increase in the number of individuals being supported with an EHCP. The team work with families over the summer period and at the start of new school years to ensure where needed the right support is in place to enable successful transitions to new schools.

### **Strong Start, Family Help, and Integration**

- **3.14 – 3.15 - 2,3 and 4 -year-old offer.** The quarter 3 data shows a strong position with regards to the % of eligible children accessing the provision. This will give these young people to opportunity to achieve their full potential due to the earliest possible support.
- **3.16 – Supporting Families.** The local authority had a target of 480 families with successful outcomes in 2023-24. As at quarter 3 we have had 307 successful claims which is 64% of target.
- **3.17 – Young People accessing Youth Support offer.** We continue to offer a wide range of services across the borough which is evidenced by the increased number of individuals accessing a range of support.
- **3.18-3.19 –Not in Education, Employment or Training (NEET)–** This reflects a new cohort of Yr12 and 13. As in previous years there is a small increase in quarter 3. The reasons for being NEET include illness, caring responsibilities, or their initial choice post 16 not being the right next step for them. 6<sup>th</sup> form provisions, colleges and the youth service continue to work closely to provide a range of support to these young people.

### **Consultation and Engagement**

7 Not applicable

### **Reasons for Recommendations**

8 One of the key areas of focus for the Children and Families Committee is to review performance and scrutinise the effectiveness of services for

children and young people. This is in alignment with the strategic aims of a Fair Council.

## **Other Options Considered**

9 Not applicable.

## **Implications and Comments**

### *Monitoring Officer/Legal*

10 There are no direct legal implications.

### *Section 151 Officer/Finance*

11 Although there are no direct financial implications or changes to the MTFS as a result of this briefing paper, performance measures may be used as an indicator of budget pressures at a service level.

### *Policy*

12 There are no direct policy implications.

### *Equality, Diversity and Inclusion*

13 Members may want to use the information from the performance indicators to ensure that services are targeted at more vulnerable children and young people.

### *Human Resources*

14 There are no direct human resources implications.

### *Risk Management*

There are risks associated with some performance measures, e.g. increases in demand and timeliness of services.

### *Rural Communities*

15 There are no direct implications to rural.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

16 Performance reports enable members to identify areas of good performance and areas for improvement in relation to children and young people, including cared for children.

*Public Health*

- There are no direct public health implications.

*Climate Change*

17 This report does not impact on climate change.

<b>Access to Information</b>	
Contact Officer:	Bev Harding, Business Intelligence Manager <a href="mailto:Bev.Harding@cheshireeast.gov.uk">Bev.Harding@cheshireeast.gov.uk</a>
Appendices:	Children and Families Outcomes Framework Score Card Quarter 3 2023
Background Papers:	None

December 2023 - Children and Families Outcomes Framework Scorecard - This contains a rolling 4 quarters for comparison

Notes: The boxes that are grayed out are where national data is not applicable or data isn't available, for example the schools data is available termly which doesn't always coincide with quarterly reporting

Notes: The column highlighted in blue reflects the most recent quarter being reported on

Notes: Rates are calculated using the 2021 ONS mid year population estimate 0-17 of 78,417 (Office of National Statistics) and are calculated as a rate per 10,000 children aged 0-17. This enables the local authority to be compared on a like for like basis with different local authorities or groups of authorities. The exception is the EHCP rate which we have shown as the rate of 0-25 yr olds in line with the number

Directorate	Indicator	Indicator name	Polarity	22/23 outturn	Q4 22/23	Q1 23/24	Q2 23/24	Q3 23/24	23/24 outturn	Benchmark National (most recent available)	Benchmark Stat N'bour (most recent available)	Corporate Plan Aim	Acronym
Childrens Social Care	1.1	Number of referrals		2397	653	602	572	595				Fair	
	1.12	Number of referrals (cumulative)		2397	2397	602	1174	1768				Fair	
	1.13	Rate of referrals (cumulative)		307.0	307.6	77.1	150.4	225.5		545	467	Fair	
	1.14	Percentage of repeat referrals	Low is Good	14%	20%	18%	15%	18%		21%	20%	Fair	
	1.15	Percentage of assessments completed within 45 days	High is Good	63%	63%	63%	80%	88%		82%	86%	Fair	
	1.16	Number of children in need (CIN definition to aid comparison so includes CP/Cared for and some Care leavers)		2230	2230	2031	2020	1924				Fair	CIN - Child in need collection CP - Child Protection
	1.17	Rate of children in need		285.6	285.6	260.2	258.7	245.5		343	292	Fair	
	1.18	Number of S47 enquiries (cumulative)	Low is Good	1339	1339	351	653	978				Fair	
	1.19	Rate of Children subject to section 47 enquiries (cumulative)	Low is Good	171.5	171.5	45	83.6	124.7		192	158	Fair	
	1.2	Number of Children subject to an ICPC (cumulative)	Low is Good	356	356	53	191	262				Fair	ICPC - Initial Child Protection Conference
	1.21	Rate of Children subject to an ICPC (cummulative)	Low is Good	45.6	45.6	6.8	24.5	33.4		63	55	Fair	ICPC - Initial Child Protection Conference
	1.22	Number of children with a child protection plan		218	218	190	260	249				Fair	
	1.23	Rate of children with a child protection plan		27.9	27.9	24.3	33.3	31.8		43	38	Fair	
	1.24	% of ICPC within 15 days of S47 enquiry	High is Good	72%	58%	87%	80%	90%		78%	81%	Fair	ICPC - Initial Child Protection Conference
	1.25	Percentage of children with a second or subsequent child protection (CP) plan (rolling yr)	Low is Good	20%	20%	17%	16%	16%		24%	24%	Fair	
	1.26	% of children on CP plans reviewed within timescales	High is Good	88%	86%	87%	88%	94%		89%	87%	Fair	CP - Child Protection
	1.27	Number of cared for children		580	580	576	566	533				Fair	
	1.28	Rate of cared for children		74.3	74.3	73.8	72.5	67.0		71	63	Fair	

Directorate	Indicator	Indicator name	Polarity	22/23 outturn	Q4 22/23	Q1 23/24	Q2 23/24	Q3 23/24	23/24 outturn	Benchmark National (most recent available)	Benchmark Stat N'bour (most recent available)	Corporate Plan Aim	Acronym
	1.29	Children looked after who had their teeth checked by a dentist in the last 12 months (%)	High is Good	75%	75%	62%	62%	53%		76%	76%	Fair	
	1.30	Children looked after who had their annual health assessment (%)	High is Good	89%	89%	79%	87%	86%		89%	86%	Fair	
	1.31	% of cared for children placed out of borough and over 20 miles from home address	Low is Good	20.5%	21%	17%	17%	21%		16%	19%	Fair	
	1.32	% of cared for children placed over 20 miles from home address (Cheshire East and out of borough)	Low is Good	24%	22%	22%	22%	27%				Fair	
	1.33	% Children who ceased to be looked after in the period who were adopted (YTD)	High is Good	7%	7%	8%	9%	8%		9%	10%	Fair	YTD - Year to Date
	1.34	% Children who ceased to be looked after in the period due to a Special Guardianship Order (YTD)	High is Good	10%	10%	5%	11%	12%		12%	20%	Fair	YTD - Year to Date
	1.35	% of care leavers who are not in education, employment or training (aged 19-21) (NEET)	Low is Good	44%	44%	45%	47%	47%		38%	37%	Fair	NEET - Not in Education, Employment or Training
	1.36	% of care leavers who are in suitable accommodation (aged 19-21)	High is Good	97%	97%	94%	91%	95%		88%	90%	Fair	
	1.37	Social Worker FTE at end of the period (SW Establishment)			151.1	151.1	147.6	145.9					
	1.38	Social Worker vacancies at end of the period (SW Vacancies)	Low is Good		34.8	37.9	41.8	42.7					
	1.39	Social Worker Agency Workers in period (SW Agency)	Low is Good		42.6	54.6	63.2	41.1					
	1.4	Average social worker case load	Low is Good		22	19	19	19					
and 14-19 Skills	2.1	Percentage good or outstanding primary schools	High is Good	93%	93%	94%	94%	96%		92%	92%	Fair	
	2.12	Percentage good or outstanding secondary schools	High is Good	91%	91%	91%	91%	91%		83%	81%	Fair	
	2.13	Percentage good or outstanding special schools	High is Good	75%	75%	80%	80%	80%		94%	95%	Fair	
	2.14	Percentage attendance for primary pupils year to date	High is Good		95%	95%	N/A	95%		96%	96%	Fair	
	2.15	Percentage attendance for secondary pupils year to date	High is Good		91%	91%	N/A	92%		95%	95%	Fair	
	2.16	Percentage attendance for special school pupils year to date	High is Good		85%	86%	N/A	84%		91%	92%	Fair	
	2.17	Number of permanent exclusions from Cheshire East Schools (latest term available)	Low is Good		16	27	N/A	19				Fair	
	2.18	Current Number of pupils educated at home	Low is Good	567	567	606	539	587				Fair	
	2.19	Current number of children missing from education.	Low is Good	64	172	197	116	156				Fair	
	2.2	Total number with an education, health and care plan (EHCP) aged 0-25		3521	4160	4337	4479	4573				Fair	EHCP - Education & Health Care Plan



Directorate	Indicator	Indicator name	Polarity	22/23 outturn	Q4 22/23	Q1 23/24	Q2 23/24	Q3 23/24	23/24 outturn	Benchmark National (most recent available)	Benchmark Stat N'bour (most recent available)	Corporate Plan Aim	Acronym
Education	2.21	Rate of children with an education, health and care plan (EHCP) NB as rate of 0-25 yr old (105,819)		3.9%	3.9%	4.1%	4.2%	4.3%				Fair	EHCP - Education & Health Care Plan
	2.22	Total % Pupils in CEC Maintained/State-funded with SEN Support. DfE / census measure from Jan census		9.4%	9.4%	9.9%	9.9%	9.9%		12.6%	12.1%	Fair	SEN - Special Educational Needs DfE - Department for Education
	2.23	Number of children and young people with an EHCP open to social care (NB includes care leavers)		372	372	372	385	352				Fair	EHCP - Education & Health Care Plan
	2.24	Number of children with an EHCP with an EHA		250	250	278	208	231				Fair	EHA - Early Help Assessment
	2.25	% of requests for Educational Psychologists (EP) advice completed within 6 weeks	High is Good	74%	85%	89%	91%	89%				Fair	
	2.26	Special Educational Needs – Education, Health and Care Plans completion within 20 weeks including exceptions (cumulative yr)	High is Good	65.3%	49%	62%	71%	69%		58%	66%	Fair	
	2.27	Average number of weeks for EHC Plans to be issued (snap shot at quarter end to which it relates)	Low is Good	21.7	21.7	20.1	18.7	20.6				Fair	EHCP - Education & Health Care Plan
Strong Start, Family Help and Integration	3.12	% of all open Early Help Assessments led by Cheshire East Prevention service staff		55%	55%	48%	55%	61%				Fair	
	3.13	% 0-2 yrs engaged at children centres (most vulnerable i.e. CIN/CP/Cared for that have attended 3 or more times in the last 12 months)	High is Good		33%	38%	32%	30%				Fair	CIN - Child In Need, CP - Child Protection
	3.14	% eligible children taking up 2 year old offer (termly figure only)	High is Good	73%	75%	72%	N/A	81%		74%		Fair	
	3.15	% children taking up 3 and 4 year old offer (termly figure only)	High is Good	99%	99%	99%	N/A	99%		94%		Fair	
	3.16	Number of Families meeting the Supporting Families (previously family focus) criteria where outcomes have been successfully concluded (accumulative fig)	High is Good	297	297	50	167	307				Fair	
	3.17	Number of young people accessing the youth support service	High is Good		2176	2393	3467	2649				Fair	
	3.18	Number of young people not in education, employment or training (NEET) individuals [yr. 12-13]	Low is Good	200	200	207	140	207				Fair	NEET - Not in Education, Employment or Training
	3.19	% of young people not in education, employment or training (NEET) individuals [yr. 12-13]	Low is Good	2.60%	2.60%	2.70%	1.70%	2.50%		2.80%		Fair	NEET - Not in Education, Employment or Training

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29<sup>th</sup> April 2024**Implementation of All Age Direct Payment Policy – one page overview**

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**Report of: Deborah Woodcock, Executive Director Children's Services****Report Reference No: AH/09/2023-24****Ward(s) Affected: All****Purpose of Report**

- 1 This report seeks agreement from Children and Families Committee to implement the 'all age' Direct Payment Policy. A copy of the joint Committee report along with the proposed policy and accompanying appendices are attached and should be read in conjunction with this document.
- 2 Direct payments contribute to the Council's Corporate Plan 2021 – 2025 objectives of a council which empowers and cares about people, an open and enabling organisation and a thriving and sustainable place.

**Background**

- 3 The 'all age' Direct Payment Policy sets out the Council's approach to providing direct payments. The policy provides guidance on making and receiving a direct payment where there is an eligible need for adults, adult carers and children and/or those with parental responsibility for a child.
- 4 A Member briefing took place on 15<sup>th</sup> November 2023 for both Adults and Health and Children and Families Committee Members to provide an overview of the Direct Payment workstream particularly the 'all age' Direct Payment Policy and to provide an opportunity for Members to shape and inform the development of the policy and future commissioning.
- 5 Adults and Health Committee agreed to the implementation of the 'all age' Direct Payment Policy at the Committee meeting held on 25<sup>th</sup> March 2024. A copy of the minutes of the Adults and Health Committee meeting can be accessed via the following: [Minutes Template \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/minutes-template)
- 6 Whilst the policy relates primarily to adults this also relates to children who receive a direct payment. The alignment of the 'all age' Direct Payment Policy aligns the approach for providing and managing direct payments for adults and children, to meet their care and support needs.

**Recommendation:**

- 7 Children and Families Committee is recommended to agree and instruct officers to implement the 'all age' Direct Payment Policy.
- 8 Children and Families Committee to agree that any future "all age" policy/services development decisions around Direct Payments to be dealt with by the Adults and Health Committee.

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OPEN

**Adults and Health Committee / Children  
and Families Committee**

**25 March 2024 / 29 April 2024**

**Implementation of All-age Direct  
Payment Policy**

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**Report of: Helen Charlesworth May, Executive Director Adults,  
Health and Integration and Deborah Woodcock, Executive Director  
Children's Services**

**Report Reference No: AH/09/2023-24**

**Ward(s) Affected: All**

**Purpose of Report**

- 1 This report seeks approval from Adults and Health Committee and Children and Families Committee to endorse and implement the 'all age' Direct Payment Policy.
- 2 Direct payments contributes to the Council's Corporate Plan 2021 – 2025 objectives of a council which empowers and cares about people, an open and enabling organisation and a thriving and sustainable place.

**Executive Summary**

- 3 Direct payments are a key part of personalisation, enabling people to have choice and control over how they draw on care and support. Direct payments enhance quality of life, improve overall wellbeing and independence for Cheshire East residents.
- 4 The 'all age' Direct Payment Policy sets out Cheshire East's approach to providing direct payments. The policy provides guidance on making and receiving a direct payment where there is an eligible need, for adults, adult carers and children and/or those with parental responsibility for a child.

- 5 Consultation and engagement has been undertaken with residents in Cheshire East to provide an opportunity for them to help shape and inform the policy. Engagement with members and wider stakeholders has also taken place.
- 6 Final approval of the 'all age' Direct Payment Policy will be sought from Adults and Health Committee on 25 March 2024, and Children and Families Committee on 29 April 2024. Please see Appendix 1 – All age Direct Payment Policy.

#### RECOMMENDATIONS

The Adults and Health Committee and Children and Families Committee is recommended to:

1. Approve and instruct officers to implement the 'all age' Direct Payment Policy in Cheshire East.

#### Background

- 7 Direct payments are a key part of personalisation, ensuring people are able to tailor their care and support as much as possible. Direct payments allow individuals with eligible needs to receive funds from the local authority in order to arrange their own care and support services and are available for adults, children and carers.
- 8 The council has a statutory duty to meet a person's need for care and support through direct payments, provided the person requests that their needs be met in this way. The Care and Support (Direct Payments) Regulations 2014 and Section 117 (2c) of the Mental Health Act 1983, also set out conditions under which direct payments must be made. The duty arises for children who meet criteria under s17 Children Act 1989, S2 Chronically Sick and Disabled Persons Act 1970 or meeting the definition of disability under S6 Equality Act 2010.
- 9 The council also has a statutory duty under the Care Act to provide information and advice relating to care and support for adults and support for carers including types of care and support available locally and how to access care and support. The Children and Families Act 2014 mandates that local authorities must provide information, advice and support about health and social care for children, young people and parents.
- 10 Cheshire East Council currently has separate direct payment policies for adults and children. The Adults Direct Payment Policy has not been

refreshed since 2015. The introduction and implementation of an 'all age' Direct Payment Policy will ensure there is a consistent approach to providing direct payments across adults and children and will facilitate the transition arrangements for those people with enduring life long needs.

- 11 As part of this alignment, since April 2023, the Direct Payment Personal Assistant hourly rate was uplifted and aligned via the Medium-Term Financial Strategy for adult and children Direct Payment recipients to £13.98 per hour.
- 12 The refreshed policy provides clear guidance to direct payment recipients and/or their responsible person and practitioners in Cheshire East. It also aims to take account of, and refer to, possible future changes to meet changing customer demand and flexible new models of care with a move away from traditional services.
- 13 Public consultation took place on the revised policy from 20<sup>th</sup> November 2023 – 9<sup>th</sup> February 2024, in order to seek the views of Cheshire East residents who are in receipt of a Direct Payment and/or those with parental responsibility.
- 14 To note, not all sections of the draft policy required consultation, for example, legislation and governance processes were out of scope. This also provided an opportunity to raise the importance of for example, safeguarding.
- 15 A Direct Payment Policy Project Group was established to provide oversight of the development of the draft policy, considering current policies, best practice and learning from other local authorities. The project group included representation from adult and children's social care and legal services, business and finance, commissioning, carers lead and the adult's commissioned Direct Payment Support Service (PeoplePlus).
- 16 To support the development of the draft policy, the council's LiveWell website pages have been updated and refreshed making it easier for residents and staff to navigate. This remains work in progress, and additional information will be added should agreement to implement the new 'all age' Direct Payment Policy be granted. This will include an easy read summary of the policy. LiveWell pages can be accessed via the following link: [Direct Payments and Personal Assistants \(cheshireeast.gov.uk\)](https://cheshireeast.gov.uk)
- 17 The draft 'all age' Direct Payment Policy has been refreshed following feedback received during the consultation; a copy of the new policy is attached as Appendix 1.

## Consultation and Engagement

### Consultation methodology

- 18 The aim of the consultation was to understand the views and concerns that residents and relatives may have about the proposed changes to the Direct Payment Policy, to help inform the new policy.
- 19 A consultation and engagement plan was developed in collaboration with adult and children's services to identify the target audience, key stakeholders, and wider participants to consult with. An overview document was developed capturing each section of the draft policy, which helped to identify policy sections for consultation via the survey.
- 20 Informal engagement took place as part of the Personal Assistant recruitment campaign, to gauge residents, family member and carer views regarding the development of an 'all age' Direct Payment Policy, prior to a formal public consultation. Individuals commented that this would be a positive approach by the Council.
- 21 Public consultation took place from 20<sup>th</sup> November 2023 to 9<sup>th</sup> February 2024. A range of feedback options were provided including public facing events, a questionnaire available online and in paper format, and a dedicated council email address for feedback via email.
- 22 Each direct payment recipient (529 adults and 131 children and/or those with parental responsibility) was invited to take part in the consultation via postal letter. This provided details on how recipients could share their views on the draft policy by completing a survey or and/or attending an event.
- 23 The survey provided respondents with the opportunity to comment on each section, provide overall feedback on the policy and/or to provide additional comments. A frequently asked questions document was also developed to support the Direct Payment Policy consultation and engagement. A copy of the FAQ is attached as Appendix 3.
- 24 A dedicated online consultation webpage was developed to host the consultation material, including details of the two public facing consultation events taking place. A copy of the full draft policy was made available online and through paper packs where requested. Paper consultation packs replicating the online content were made available in each of the libraries in Cheshire East and additional copies were made available upon request.



- 25 During the consultation period, media releases were shared via social media platforms and the Council's webpage. The consultation was also publicised widely in the borough via the following routes:

Council press release / social media	Members briefings
Adult social care staff	Learning Disability Partnership Board
PeoplePlus publicised via newsletter and website	Healthwatch Cheshire East via website
Mental Health Partnership Board	All age Carers Hub – newsletter
Cheshire East Parent Carer Forum	Children Services
SEND Jigsaw meetings	2 events (Macclesfield and Crewe)

Two public facing consultation events were held on 16<sup>th</sup> January at Macclesfield Town Hall and 18<sup>th</sup> January at Crew Municipal Building. At both events, council officers were on hand to explain the consultation proposals, answer queries, and gather feedback, with paper consultation packs also provided.

- 27 At each of the public facing consultation events, the following organisations were in attendance to provide information and advice to attendees:
- Healthwatch Cheshire East
  - PeoplePlus (adult Direct Payment Support Service)
  - Carers Hub – all age
  - Cheshire East Council – business and finance and commissioning representatives
- 28 A total of 9 people attended the events, of which 5 attended in Macclesfield and 4 attended Crewe.
- 29 Two face to face meetings were held via the SEND Youth Forum (Jigsaw) meetings, to gather the views of young people. The Participation Officer facilitated the meetings on the following dates:
- 23 January 2024, Youth Support Service Hub, Macclesfield

- 25 January 2024, Monks Coppenhall Family Hub, Crewe

- 30 To note none of the young people will be managing the direct payment themselves, it is the person with parental responsibility. All parents of a child/young person in receipt of a Direct Payment, or those with parental responsibility, received a letter informing them of the consultation opportunity.
- 31 There have been limitations consulting with young people due to the complexities of the topic. As such, there will be ongoing conversations and support for young people and their families, during and after the policy implementation, including support from an advocate where required for young people who are non-verbal.
- 32 A Direct Payment Policy Consultation Briefing took place for Adults and Childrens Committee members on 15<sup>th</sup> November 2023. Attendees also included the Executive Director of Adults, Health and Integration, Head of Integrated Commissioning for Children, Families and Adults with complex needs, Business and Finance, and Commissioning representatives.

### **Consultation feedback**

- 33 In total 62 consultation responses were received, which included 52 survey responses, nine people attending events, as well as conversations with young people on the draft policy at Jigsaw meetings. One written response was also received to the Direct Payment email box from the organisation Disability Positive.
- 34 Direct payments can be perceived as a complex topic area and the changes were largely technical in nature, meaning that feedback was unsurprisingly limited. However, a range of feedback options were provided and widely publicised, and steps were taken to enable as many residents as possible to take part during the consultation. A key achievement was aligning and bringing together children and adult direct payments into one policy document. The 'all-age' Direct Payment Policy Consultation Report 2024 is attached as Appendix 2.
- 35 Of the 52 people who responded to the survey:
- 69% of survey respondents were completing the survey as a carer or family member of someone who receives a direct payment from the council
  - 15% completed the survey as someone who receives a direct payment from the council directly.
  - The remaining 16% of respondents were from the following categories as an individual resident, as someone who receives a

direct payment, a Cheshire East Council employee, a Cheshire East Ward Councillor or other.

- 36 Of those survey respondents who receive a direct payment or who were filling in the survey for someone who does, 68% use the Direct Payment to pay a Personal Assistant, 39% use the direct payment to pay for other activities including day care or activities, 18% use the direct payment to pay a home care agency, and 14% indicated other.
- 37 There were strong levels of support recorded in feedback for the amended policy, with 71% of respondents agreeing that the draft 'all age' Direct Payment Policy for 2024 should be adopted, whereas 13% disagreed. Example reasons for agreement included:
  - To improve the current situation
  - To simplify the process
  - To make direct payments more accessible
  - To help ensure a smooth transition from children to adults
  - To help carers find personal assistants more easily.
- 38 Key themes from service user feedback are outlined below for the areas of the policy that were identified as particularly salient to social care users, children/young people and parents.
  - Section 15 – Direct Payment Restrictions  
This section sets out the restrictions on the use of a direct payment and describes what direct payments cannot be used for.  
*Feedback: no substantial impact was identified through planning work or via consultation feedback. 80% of respondents agreed with the text in the policy over Direct Payment restrictions.*
  - Section 17 – Definition of Personal Assistants  
This text broadens and aligns the use of Personal Assistants (PA) and self-employer personal assistants across all ages.  
*Feedback: The Direct Payment Project Group felt the change provides increased flexibility. 88% of respondents agreed with the revised definition of a PA resulting from this change.*
  - Section 19 – Pooled Budgets Direct Payments.  
This section describes how individuals could join together to 'pool' their direct payment, so that they could employ a personal assistant or contract with an agency to achieve better outcomes.  
*Feedback: For those direct payment recipients who choose to pool their budgets, it is thought that this will have a positive impact, as it would allow them to work together to achieve increased outcomes. 74% of respondents agreed with this approach based on consultation responses (with only 8% opposing).*

- **Section 20 – Contingency Arrangements**  
This section describes how recipients must make arrangements or contingency plans to cope with emergencies.  
*Feedback: This was not deemed contentious in the consultation feedback, although only 58% of users currently have made such arrangements, meaning the Council needs to continue to work with Direct Payment recipients around ensuring they have contingency arrangements in place.*
- **Section 27 – Safeguarding/DBS**  
Recipients were asked if they were aware of safeguarding procedures, and the requirement for a DBS to be carried out for both children/young people and adult direct payments service users.  
*Feedback: This has been provided for clarity to ensure Direct Payment recipients have ensured that DBS checks are in place and that they are aware of safeguarding procedures. 90% of respondents agreed with the approach.*
- **Section 29 – Pre-paid Card**  
This section set out that under the new policy, a direct payment prepaid card would be implemented.  
*Feedback: Pre-payment cards provide more convenience for service users and more efficient financial management. The highest portion of respondents agreed with this approach, with 46% supporting and 29% opposing. Concerns expressed included: that it should not be a default option; that a card may inhibit flexibility of payment and they may give the Council too much oversight over spend.*

It should be noted that whilst the preference is for pre-payment cards to be used, it will not be mandatory, with the needs of the user carefully considered.

- 39 It is important that the council provides feedback in response to views shared by residents. This will include developing an action plan to illustrate actions to be taken and progress in response to feedback received from the consultation opportunity. A summary is detailed in Appendix 4.

## **Reasons for Recommendations**

- 40 The 'all age' Direct Payment Policy aligns the approach for providing and managing direct payments for adults and children, in order to meet their care and support needs.

- 41 The development of the policy was overseen by the Direct Payment Policy Project Group working in collaboration with representatives from adult and children social care and legal services, business and finance, commissioning and the Direct Payment Support Service. The policy has been further informed by residents in Cheshire East.
- 42 The policy was written to provide a source of information to people who already have a Direct Payment or are thinking about getting one, and to provide operational staff with clear guidance and a point of reference, as they support people to navigate the care and support system.
- 43 The implementation of ‘all age’ Direct Payment policy supports Cheshire East Corporate Plan 2021 – 2025, personalisation and the council’s statutory duty to meet a person’s need for care and support through direct payments.

### Other Options Considered

- 44 One option was considered:

Option	Impact	Risk
Do nothing	Fragmentation of approach and lack of clarity to providing Direct Payments across adults and children	Lack of clarity to residents and/or staff particularly for those young people transitioning from children services to adult services

### Implications and Comments

#### *Monitoring Officer/Legal*

- 45 The proposed all-age Direct Payments Policy has been subject to appropriate consultation and all responses have been considered as set out above.
- 46 The statutory guidance to the Care Act 2014 states that ‘while the use of such cards [prepaid cards] can be a useful step from managed services to direct payments, they should not be provided as the only option to take a direct payment. *The offer of a ‘traditional’ direct payment paid into a bank account should always be available if this is what the person requests and this is appropriate to meet needs.*” [para 12.59]. The proposed ‘all age’ Direct Payments Policy does not remove the choice of whether to take the direct payment on a pre-paid card or receive it in a bank account (All Age DP policy paragraph 29.2).

- 47 The clawback provisions in the Policy specify at para 29.5 that the Council ‘will allow a reserve equivalent’ to 4 weeks funds to be held as a contingency but reserves the right to reclaim funds in excess of this amount. The statutory guidance suggests this should be considered on a case by case basis to allow for the individual fluctuating needs of people to be accounted for [Statutory Guidance to Care Act 2014 paragraphs 4.25 to 4.26] and the Policy has been drafted in line with this.
- 48 The policy is lawful, and the proposals made and the consultation informing the final policy have been completed lawfully.

### *Section 151 Officer/Finance*

- 49 i. the recommendation to approve the new ‘all age’ Direct Payment Policy does not present a change to the Council’s Medium Term Financial Strategy.
- 50 ii once the new policy is implemented, direct payments will need to be managed within existing approved budget.

### *Policy*

- 51 The ‘all age’ Direct Payment Policy aligns adult and children direct payments, setting out the way the Council provides direct payments in Cheshire East.
- 52 The policy will support the Councils Corporate Plan 2021 – 2025:

<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>	<b>A thriving and sustainable place</b>
<ul style="list-style-type: none"> <li>• Ensure transparency in all aspect of Council decision making</li> </ul>	<ul style="list-style-type: none"> <li>• Work together with residents and partners to support people and communities to be strong and resilient</li> <li>• Reduce health inequalities across the borough</li> <li>• Support all children to have the best start in life</li> <li>• Increase opportunities for children and</li> </ul>	<ul style="list-style-type: none"> <li>• Thriving urban and rural economies with opportunities for all</li> <li>• </li> </ul>

	young adults with additional needs	
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### *Equality, Diversity and Inclusion*

- 53 An Equality Impact Assessment was completed in October 2023 and has been updated to take into account the feedback received from the public consultation. The EIA is attached as Appendix 5.

### *Human Resources*

- 54 There are no direct implications arising from the policy itself.

### *Risk Management*

- 55 The successful implementation of the policy will be measured through adult and children social care, with any significant risks reported through appropriate channels including Commissioning SMT, People's DLT, Children SMT. Control of risks will take place via Direct Payment Policy Project Group.

### *Rural Communities*

- 56 The policy will support people across all communities in Cheshire East including those in rural communities, ensuring equitable adoption of the policy.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 57 This is an all-age policy that includes children, and young people accessing their personal budget as a Direct Payment.
- 58 The policy provides clear guidance to direct payment recipients and/or their responsible person and practitioners in Cheshire East, by adopting the policy it will ensure a consistent approach to direct payments across all ages.

### *Public Health*

- 59 The policy aligns the approach for delivering direct payments for adults and children and provides guidance and sets out how the Council will deliver direct payments in Cheshire East.

60 The policy aligns with the Joint Health and Wellbeing Strategy / Place Plan priorities:

1. Cheshire East is a place that supports good health and wellbeing for everyone
2. Our children and young people experience good physical and emotional health and wellbeing
3. The mental health and wellbeing of people living and working in Cheshire East is improved
4. That more people live and age well, remaining independent; and that their lives end with peace and dignity in their chosen place

61 Direct payments can provide greater independence, choice and control for residents, and have a positive impact on the individuals health and wellbeing for residents accessing their personal budget as a direct payment in Cheshire East.

#### *Climate Change*

62 There is no direct impact on climate change through the implementation of this policy.

<b>Access to Information</b>	
Contact Officer:	Sharon Brissett, Project Manager, <a href="mailto:Sharon.brissett@cheshireeast.gov.uk">Sharon.brissett@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – All Age Direct Payment Policy (final version)  Appendix 2 –Direct Payment Policy Consultation 2024 report on  Appendix 3 – Frequently Asked Questions (FAQ)  Appendix 4 – Summary example of findings and actions consultation results  Appendix 5 - Equality Impact Assessment
Background Papers:	Cheshire East Corporate Plan 2021 – 2025





# **Cheshire East Council**

## **Direct Payment Policy**

### **Adults, Children and Young People**

**2024**

FINAL MARCH 2024

**Definition**

<b>Term</b>	<b>Definition</b>
Advocacy	Advocacy is support from another person to help an individual to express their views and wishes to enable them to make decisions available to them.
Allocated Worker	A member of staff employed by the Council or by a delegated service provider to provide professional support to the person, to undertake care and support assessments and reviews. Ordinarily this would be a qualified professional – Family Support Worker, Social Worker, Occupational Therapist or Social Care Assessor.
Assessment	<p>An assessment considers how an individual is managing everyday activities such as looking after themselves, household tasks and getting out and about. Individuals are entitled to an assessment if they have social care needs and the individuals' views are central to this process.</p> <p>An assessment for a child or young person is undertaken to consider what is working well and what is not working well to identify unmet Education or Social Care needs and support and services that may be required to meet them.</p>
Benefits and means tested benefits	Payments from the Government that you may receive because of your age, disability, income, or caring responsibilities. Some benefits are universal - paid to everyone regardless of their income whereas other benefits may be means tested.
Capacity to consent	<p>'Consent' is when an individual gives their permission for someone to do something to you or for you.</p> <p>'Capacity' is an individual's ability to understand what they are being asked to decide, to make a decision and to communicate that decision to people around them. Mental capacity can vary over time. If an individual has capacity to consent, then they understand what they are being asked to agree to, and they are able to let people know whether they agree.</p>
Carer	Can be a child, young person or an adult who provides or intends to provide unpaid care for a child or young person or another adult (needing care).
Child or Young Person	For the purposes of this Policy the definition of a child is taken from the Children Act 1989. A child is anyone below the age of 18 years. Increasing consideration is given through European legislation and British case law that from the age of 16, a child should be considered to be a Young Person.

Child in Need	All disabled children who meet the eligibility as defined within Section 17 of the Children Act, Section 6 of the Equality Act 2010 and or Section 2 of the Chronically Sick and Disabled Persons Act 1970 are legally considered to be <b>Children in Need</b> .
Client Contribution	<p>The amount an individual may need to pay towards the cost of the social care services they receive. The amount that the individual needs to pay depends on the Cheshire East Charging policy. The Council receives guidance from Government on how much they can charge.</p> <p>Anyone below the age of 18 will not be expected to make contributions towards their social care services.</p>
Council or local authority	Cheshire East Council
Direct Payment	Monetary payments made by the Council for the purpose of meeting some or all of an individual's eligible care and support needs.
Direct Payment Client	A Direct Payment client is the person receiving the Direct Payments and who has the legal obligations to manage this appropriately. This may be the individual in need of care and support, or the responsible person managing the Direct Payment.
Delegated Responsibility / Associated Partners	Delegation is the assignment of any responsibility or authority to another organisation to carry out specific activities or services, such as providing Mental Health Services. Associated Partners are organisations which may be charities or businesses, or other public service providers, the Police and the NHS. The Council may commission Associated Partners to provide services on their behalf, which may include the delegation of the undertaking of some statutory functions.
Eligibility	<p>Eligibility is the level at which an individual's needs are assessed for care and support and is based upon that individual's level of need. Decisions will focus on the individual's ability to achieve relevant outcomes and whether, therefore this may have a significant impact on their wellbeing. If the Council undertakes an assessment and determines an individual is below this eligibility threshold, they may not qualify for Council funded care.</p> <p>Eligibility determines who may receive an assessment. A disabled child may have a physical impairment such as being blind, deaf or British Sign Language (BSL) user or someone with a hearing impairment or a mental disorder of any kind which is substantial and permanent or is substantially and permanently disabled by illness, injury or congenital</p>

	deformity or such other disability as may be prescribed and are automatically Children in Need.
Family (Close Family)	<ul style="list-style-type: none"> <li>a. the spouse or civil partner of the adult;</li> <li>b. a person who lives with the adult as if their spouse or partner;</li> <li>c. a person living in the same household as the adult who is the adult's <ul style="list-style-type: none"> <li>i. parent or parent-in-law</li> <li>ii. son or daughter</li> <li>iii. son in law or daughter-in-law</li> <li>iv. stepson or stepdaughter</li> <li>v. brother or sister</li> <li>vi. aunt or uncle</li> <li>vii. grandparent</li> </ul> </li> <li>d. the spouse or civic partner of any person identified in sub-paragraph (c) above who lives in the same household as the adult and</li> <li>e. a person who lives with any person specified in sub-paragraph (c) as if that person's spouse or civil partner</li> <li>f. a person living in the same household as the child / young person who is the child / young person's <ul style="list-style-type: none"> <li>i. parent or stepparent</li> <li>ii. sister or brother</li> <li>iii. step/half-sister or step/half-brother</li> <li>iv. aunt or uncle</li> <li>v. grandparent</li> <li>vi. anyone else who lives in the same household as the child/young person</li> </ul> </li> </ul>
Financial Assessment	For adults the Council will discuss with the individual and assess how much they can afford to pay towards their care and support needs. This will involve looking at the individuals' income, savings and individual circumstances. The financial assessment would take place after an assessment of the individuals care and support needs
Individual(s) or Person(s)	Individuals or persons eligible for support include residents of Cheshire East and/or their carers.
Means Tested Benefit	Means tested benefits are awarded based upon an individual's income and capital.
Mental Capacity Act	The Mental Capacity Act 2005 is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 years and over. The Mental Capacity Act allows people to express their preferences and to appoint a trusted person to make a decision on their behalf should they lack capacity in the future.

Outcomes	An 'outcome' is an aim or objective which an individual would like to achieve. This may include for example having friends, building independence skills, maintaining links with family and friends, living in their own home, and/or managing their own support and are in control of what, how and when support is delivered to meet their needs.
Personal Assistant (PA)	An individual 'employed' by the Direct Payment client to provide care and support services to meet their eligible needs identified within their support plan.
Personal Budget	A personal budget is an amount of money that is allocated to an individual following an assessment of needs and for adults' financial assessment. This is the amount of money that is required to meet the assessed social care needs.
Personal Health Budget	A personal health budget is an amount of money to support an individual's health and wellbeing needs, that is planned and agreed between the individual (or someone who represents them) and the local NHS team.
Respite Care	<p>In adult services - is planned or emergency care which is provided on a temporary basis to ensure an individual's main carer can have a break from their caring role.</p> <p>In children's services respite care is often referred to as overnight short breaks and is an assessed and agreed package of support to meet overnight support needs.</p>
Responsible Person referred to in this policy includes an authorised, nominated or suitable person	<p>A responsible person refers to the following:  <b><u>Authorised:</u></b>          If someone has been found as lacking the capacity to consent to receive a Direct Payment, and yet Direct Payments would be beneficial a Direct Payment can be made if there is someone who is willing and able to fulfil the role of an "authorised person". Section 9 of this policy outlines who can act as this authorised person. This is either:</p> <ul style="list-style-type: none"> <li>a. A Court appointed deputy for personal welfare or an Attorney under a Lasting Power of Attorney for personal welfare</li> <li>b. Where the person is not authorised as mentioned in paragraph (a), but a person who is so authorised agrees with the local authority that the person is a suitable person to whom to make Direct Payments, or</li> <li>c. Where no one fills a) or b) above the authorised person can be someone who the local authority considers to be a suitable person for Direct Payment purposes</li> </ul>

	<p><b><u>Nominated person:</u></b> A nominated person is someone an adult with capacity has chosen to help with on-going management of the money or receive and manage the Direct Payments on behalf of the person. Any help given can vary depending on the individuals needs.</p> <p><b><u>Suitable person:</u></b> A person who has been legally nominated as being suitable to receive a Direct Payment to purchase services for someone who has been determined as lacking the capacity to consent to a Direct Payment, or who doesn't want to manage it themselves. The suitable person becomes responsible for the on-going management of the Direct Payment in the best interests of the individual.</p>
Safeguarding	Means protecting the health, wellbeing and human rights of adults, children and young people and refers to the process of protecting children and adults to provide safe and effective care.
Self Employed	An individual who runs their own business, and is therefore liable to pay their own contributions, such as tax, and national insurance.
Short Breaks for Disabled Children and their families	This is referred to as our Short Breaks Local Offer. This consists of a set of services that we commissioned for assessed disabled children, free of cost.
Strengths Based Approach	Considers an individual's own strengths and capabilities and what support may be available to them from their wider support network (friends/family) or community. This is a collaborative process between the person supported by services and the services supporting them.
Support plan	<p>In adult services a support plan will be developed with the individual and will focus on how you can utilise the Direct Payment to meet your assessed needs and the outcomes you wish to achieve.</p> <p>In children's services the way the direct payments will be used to meet needs and outcomes is determined as part of the child/young person's agreed care plan and direct payments can only be spent on what is agreed as part of that plan.</p>
Transition	Until the age of 18, services for children and young people with long-term health conditions and /or disabilities are provided by child health and social care services. Between the ages of 16 and 18, the young person will start a "transition" to adult services.

	This should involve all the services that support areas like health and social care.
Wellbeing	A term used to refer to an individual's physical and mental health, in terms of the individual being comfortable, healthy and happy.

FINAL MARCH 2024

<b>1. Introduction.....</b>	<b>11</b>
Policy Overview.....	11
<b>2. Direct Payment Equal Opportunities .....</b>	<b>12</b>
Statement.....	12
<b>3. Equality and Diversity .....</b>	<b>12</b>
<b>4. Legislative Framework .....</b>	<b>13</b>
Adults, children and young people .....	13
<b>5. What are Direct Payments .....</b>	<b>14</b>
<b>6. Personal Health Budget .....</b>	<b>15</b>
<b>7. Who can access a Direct Payment.....</b>	<b>15</b>
Overview .....	15
Adult.....	15
Children and Young People .....	16
<b>8. Direct Payments for Adults with Capacity.....</b>	<b>18</b>
<b>9. Direct Payments for Adults lacking Capacity.....</b>	<b>18</b>
<b>10. Who is excluded from a Direct Payment .....</b>	<b>20</b>
<b>11. Direct Payment for Carers .....</b>	<b>20</b>
<b>12. Responsible Person .....</b>	<b>22</b>
Definition and requirement .....	22
<b>13. Use of Direct Payments.....</b>	<b>24</b>
<b>14. What can Direct Payments be spent on? .....</b>	<b>24</b>
Types of services .....	24
<b>15. Restrictions on the use of Direct Payments.....</b>	<b>25</b>
Overview .....	25
<b>16. Direct Payment client responsibilities .....</b>	<b>27</b>
Level of understanding.....	27
<b>17. Personal Assistant .....</b>	<b>28</b>
Definition and responsibilities.....	28
Self employed .....	30
<b>18. Role and responsibility of the person receiving a Direct Payment .....</b>	<b>31</b>
Agreement, documentation .....	31
<b>19. Pooled Budget Direct Payments .....</b>	<b>32</b>
<b>20. Emergency and contingency arrangements .....</b>	<b>33</b>



Planning and Contacts .....	33
<b>21. Ordinary residence .....</b>	<b>34</b>
Travelling or moving out of area .....	34
<b>22. Other uses of a Direct Payment.....</b>	<b>34</b>
Informal carers, eligible needs on holiday .....	34
<b>23. Equipment .....</b>	<b>34</b>
Community Equipment and other .....	34
<b>24. Information and advice .....</b>	<b>35</b>
<b>25. Complaints .....</b>	<b>35</b>
<b>26. Direct Payment Support Service .....</b>	<b>36</b>
Adults, and transition.....	36
Children and young people .....	36
<b>27. Direct Payments Procedures Safeguarding and Disclosure and Barring Service (DBS) Checks.....</b>	<b>37</b>
Safeguarding.....	37
Disclosure Barring Service (DBS) .....	37
<b>28. What happens when circumstances change? .....</b>	<b>38</b>
<b>29. Finance and Monitoring .....</b>	<b>38</b>
Payment of the Direct Payment.....	38
Client contribution .....	39
What if you disagree with the amount of client contribution? .....	40
Personal top up .....	41
Audit and Review .....	41
Audit documentation .....	43
Suspending a Direct Payment.....	43
Direct Payments may be ended if .....	44
Redundancy Payments .....	45
Transport Costs.....	46
Reclaiming / Recovering of Direct Payment Funds .....	46
<b>30. Using a vehicle.....</b>	<b>46</b>
<b>31. Social Care Fraud .....</b>	<b>46</b>
<b>32. The UK GDPR (General Data Protection Regulation) 2018 .....</b>	<b>47</b>
UK GDPR for an employer .....	47
<b>33. Further information .....</b>	<b>48</b>

FINAL MARCH 2024

## 1. Introduction

### Policy Overview

- 1.1. This policy applies equally to adults with care and support needs, their carers and for those with parental responsibility for a child who has an Education, Health & Care Plan (EHCP), or is eligible as a disabled child under Section 17 (Child in Need) of the Children Act 1989, and Section 2 Chronically Sick and Disabled Persons Act 1970.
- 1.2. The purpose of this policy is to make clear the Council's approach to Direct Payments, and the responsibilities for the Direct Payment client. It should be read in conjunction with other Direct Payment documentation e.g. factsheets and the Direct Payment agreement.
- 1.3. Following an eligibility for need assessment every adult, child, or carer who is eligible following an assessment for care and support will have a personal budget identified. This is the amount of money that the Council believes is reasonable to purchase services to meet those eligible support needs. Individuals who have eligible needs should have choice and control over how their outcomes are achieved.
- 1.4. Therefore, the Council wishes to promote Direct Payments as a fully accessible way of paying for care and support, whilst recognising that Direct Payments may not be appropriate for some people, or some people may not want to have a Direct Payment. The adult who requires the support can then choose how that budget is spent as long as the person's identified needs are met. This policy only covers education and social care needs in the case of a child/young person the carer will work with their child/young person's allocated worker through the assessment process to determine how to use the direct payments to meet identified needs and outcomes.
- 1.5. The Council embraces a strengths-based approach and will embed this into what we do. This approach involves promoting inclusion and supporting individuals to identify their own skills and resources and how the relationships that they have with people around them can help, and to support the person to identify strengths and assets available in the community.
- 1.6. The Council believe that a person needs to be seen as more than just their care needs – we want individuals and families/carers to feel confident about using Direct Payments by:

- By assisting and supporting individuals to achieve their outcomes within their community
- Supporting individuals to access Direct Payments and to work within the Direct Payment Policy and procedures
- Offering guidance and support to individuals where difficulties arise
- Ensuring that where direct payments are being received that they are included as part of a child or young person's Education, Health and Care Plan (EHCP)

1.7. This policy also applies to all the Council allocated workers and those who carry out the role of allocated worker or administrator under a delegated responsibility where social care assessments, reviews, care and support planning arrangements and administration of services are undertaken.

## **2. Direct Payment Equal Opportunities**

### **Statement**

2.1. The Council aims to ensure equality of treatment and access to services for all members, staff and customers:

- No person or group of persons applying for services or contracts with the Council will be treated less favourably than any other person or group of persons on grounds of gender, sexual orientation, race, nationality, ethnic origin, disability, marital status, age, religion or belief.
- The Council will consult with an individual about the planning and delivery of services and take account of the specific needs of those groups who may experience discrimination or be disadvantaged.
- Information about the Council's services will be accessible and, where necessary, targeted to those who may otherwise have trouble in accessing information or services.
- So far as is reasonably practicable the Council's buildings will be accessible to an individual with disabilities; the Council will scrutinise policies and procedures to ensure non-discriminatory practice is at the core of planning.

## **3. Equality and Diversity**

3.1. The Council will strive to ensure equity in the access, support, and delivery of Direct Payments regardless of:

- An individual's socio-economic status or protected characteristic; age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage and civil partnership and pregnancy and maternity

- 3.2. The Council will also work to ensure individuals are treated equally when choosing to have services arranged and purchased on their behalf to meet their needs rather than accepting a Direct Payment.

#### **4. Legislative Framework**

##### **Adults, children and young people**

- 4.1. Direct Payments along with personal budgets and personalised care planning, has been mandated for the first time and is set out in the Care Act 2014, Section 117 (2C) of the Mental Health Act 1983 and the Care and Support (Direct Payments) Regulations 2014 and Section 17A of the Children Act 1989.

- 4.2. This Policy along with the procedures and practice guidance is based on the Council's understanding of the relevant legislation, government guidance, and sets out how the Council should go about performing its care and support responsibilities and ensure that the Council are able to meet their statutory obligations in relation to:

- The Care Act 2014
- Care and Support (Direct Payments) Regulations 2014
- Care and Support Statutory Guidance issued with the Care Act 2014
- Carers and Disabled Children Act 2000
- Section 117(2C) of the Mental Health Act 1983
- Children and Families Act 2014
- Mental Capacity Act 2005
- Special Educational Needs (Personal Budgets & Direct Payments) Regulations 2014
- Chronically Sick and Disabled Persons Act 1970
- Children Act 1989
- Equality Act 2010
- Working Together to Safeguard Children 2018

- 4.3. The legislative framework to make Direct Payments for children is covered by the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009. The regulations provide that the duty to make Direct Payments applies to:

- A community care service within the meaning of Section 46 of the National Health Service and Community Care Act 1990 or
- A service which local councils may provide under Section 17 of the Children Act 1989 and Section 2 of the Chronically Sick and Disabled

Persons Act 1970 (provision of services for children in need, their families and others)

- Statutory special educational needs and disability code of practice paragraph 3.38 incorporates the regulations from the Children and Family Act 2014 and describes the right of parent and carers to request a personal budget including a Direct Payment.

## **5. What are Direct Payments**

5.1. A personal budget is a sum of money allocated to an individual as a result of an assessment of need. This can be taken in the form of a Direct Payment, which is defined as 'monetary payments to individuals who request to receive one to meet some or all of their eligible care and support needs'.

5.2. A Direct Payment may offer an individual more flexibility, choice and control than support being commissioned by the Council or the NHS to meet their needs. A Direct Payment can help an individual to live in their own home, be fully involved in family and community life and to take part in work, education, and leisure in order to achieve their individual outcomes.

5.3. These payments are made directly to the individual (or someone on their behalf) who has been assessed as having eligible needs for social care support and can form all or part of their Personal Budget. Direct Payments may be combined, by agreement, with other funds such as a Personal Health Budget or an Education, Health and Care Plan (EHCP). Direct Payments can also be made by Health under Section 12A of the National Health Service Act 2006.

5.4. Individuals accessing Direct Payments must be able to manage the Direct Payments with or without assistance, allocated workers must guard against assumptions and decisions must not be made about a person's ability to manage based upon the person's religion, sex, disability or age.

5.5. All adult Direct Payments will be subject to a financial assessment. However, if an individual is assessed and is expected to meet the full cost of the care and support they require then they will not be eligible to receive a Direct Payment. More information on charging for adult social care services can be found by following the link as detailed:

<https://www.cheshireeast.gov.uk/livewell/care-and-support-for-adults/paying-for-care/will-i-have-to-pay-for-my-care.aspx>

5.6. All Direct Payment clients or their responsible person that agree to receive a Direct Payment including carers will need to sign a Direct Payment Agreement.

## **6. Personal Health Budget**

- 6.1. The Council will work with individuals who are, or will be, in receipt of a personal health budget and a council Direct Payment to ensure that a joint health and social care budget works in the best way for them. For information about personal health budgets visit the NHS website <https://www.england.nhs.uk/personal-health-budgets/>

## **7. Who can access a Direct Payment**

### **Overview**

- 7.1. The Council has a duty to make Direct Payments available to anyone with assessed needs, this includes:

- Adults who have been assessed as eligible to receive help from the Council in arranging care and support to meet their unmet needs in the community.
- People with parent responsibility for a child with disabilities, a disabled child themselves if over 16 or a nominee who has been nominated in writing by someone with parental responsibility
- Disabled people with parental responsibility for child(ren)
- Carers aged 16 and over, for their own assessed needs for example for services to support their caring role and to maintain their own health and wellbeing

- 7.2. Where a child or young people is assessed as needing services under Section 17 of the Children's Act 1989, children's social care services (and adult social care where appropriate) need to be satisfied that the Direct Payment will 'safeguard and promote' the welfare of the child or young person for whom the service is needed.

### **Adult**

- 7.3. The Council will consider all requests for a Direct Payment. At the outset of the process allocated workers will ascertain whether or not the individual has capacity to request and receive Direct Payments. Decisions about an individual's capacity under the Mental Capacity Act is decision specific (for example the ability to make a decision about Direct Payments) and time specific (at the time the decision has to be made).

- 7.4. There may be individual conditions and/or circumstances whereby an individual can be excluded from accessing a Direct Payment (refer to section 10).

7.5. The Council has a key role in ensuring that individuals are given relevant and timely information about Direct Payments, so that an individual can make an informed decision about the suitability and use of a Direct Payment and, if doing so, is supported to understand their responsibility in how to use and manage the payment appropriately to meet their eligible needs. *A range of information on the council website can be accessed by the following link:* [Direct Payments and Personal Assistants \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

7.6. Direct Payments are not seen as income and have no effect on tax or benefits.

### **Children and Young People**

7.7. The Council may make a Direct Payment to assist with meeting a child or young person's social care or educational needs. Where a child or young person has an assessed educational or social care need, Direct Payments can be made to:

- A person who is the parent of a child with parental responsibility;
- The young person if they are over 16;
- A responsible person who has been nominated in writing by the child's parent or young person to receive the Direct Payments on their behalf

7.8. In each case Direct Payments may only be made to a person if the Council determines they are capable of managing Direct Payments without assistance or with support available to them. The person who supports the Direct Payment Client needs to be over school age (over 18 years) and have the capacity to support them.

7.9. Where a child has social care needs, a person who has parental responsibility for them may take a Direct Payment. The payments can then be used in a number of ways to provide care and support services for the disabled child or young person. The system may provide added flexibility for the parent or carer to choose and arrange the services or support they feel is most appropriate, at home or when out and about. Direct Payments cannot be used to pay for services that have already been commissioned by the Council as part of the 'Short Break Local Offer' as these services are already available free at point of access to assessed and eligible disabled children; in this regard only, additional support not assessed to meet a need cannot be used to purchase additional respite and that must be funded outside of a Direct Payment.

7.10. Where Direct Payments are made to a person with parental responsibility to pay for services under an Education, Health and Care Plan (EHCP), the



client will be solely responsible for meeting the terms and conditions of receiving a Direct Payment, to deliver specified elements included in writing within their EHCP.

- 7.11. Once a young person reaches 16 it is possible for Direct Payments to be transferred to them in their own right, so long as the Council believes that they have the ability to manage Direct Payments with help regardless of whether the help comes from parents, a user-controlled trust or local support service. This enables a young person to take control of their Direct Payment. Alternatively, their parent may continue to receive the Direct Payment on their behalf.
- 7.12. As a young person approaches the age of 18 they will start to 'transition' to adult services and the Council will consider the person's eligible needs and how they will be met as an adult, pending closing of children services. A needs assessment will be undertaken by adult services to consider eligible care and support needs. This process should start in advance of their 18<sup>th</sup> birthday, however, in the event of an adult need assessment not being undertaken the person will continue with the arrangements that they have in place so that their care and support needs continue to be met. An audit of the direct payment made by children service will be undertaken. Once a need assessment has been completed a new direct payment agreement will be entered into and completed if appropriate (see also sections 29.24 – 29.26 inclusive). The local authority will consider the person's needs and how they will be met as an adult. This process should start in advance of their 18<sup>th</sup> birthday and ideally commenced at the latest by the age of 17 ½.
- 7.13. Having a Direct Payment does not mean a person will have to be able to manage Direct Payments independently, someone can still be treated as being able to consent to Direct Payments even though they need help to manage them. They may choose to nominate a family member or more formal support via a support provider.
- 7.14. Families and/or carers will only continue to receive a Direct Payment on behalf of the young person if the young person lacks mental capacity to consent to Direct Payments or chooses to nominate them to help with the Direct Payment. The person authorised to receive the Direct Payment will be asked to sign a new agreement accepting the terms and conditions of the Direct Payment.
- 7.15. To allow flexibility in the circumstances where a 16 or 17 year old is choosing to undertake a substantial caring role for a disabled adult for a period and where the Council supports that decision it can in some circumstances be more helpful if the young carer receives a Direct Payment

through adult social care. For example, to allow them to arrange carer services to be delivered in such a way as to minimise disruption to their education.

## **8. Direct Payments for Adults with Capacity**

8.1. Where the Council concludes that an individual has capacity to make a decision to request a Direct Payment, it must consider the conditions set out in section 31 of the Care Act 2014. These conditions must be met in their entirety. A failure in one would result in the request to receive Direct Payments being declined.

8.2. Individuals who have capacity may choose to manage their Direct Payments themselves and/or with support available to them, or they may wish to nominate somebody to manage their Direct Payment on their behalf. Where an individual chooses to nominate someone that person is referred to as a nominated person.

8.3. These four conditions, as set out in Care Act 2014 are as follows:

- |             |   |
|-------------|---|
| Condition 1 | the adult has capacity to make the request, and where there is a nominated person to make the payments to that person agrees to receive the payments.   |
| Condition 2 | the local authority is not prohibited by regulations under section 33 of the Care Act 2014 from meeting the adult's needs by making Direct Payments to the adult or nominated person.   |
| Condition 3 | the local authority is satisfied that the adult or nominated person is capable of managing Direct Payments either by himself or herself, or with whatever help the authority thinks the adult or nominated person will be able to access. |
| Condition 4 | the local authority is satisfied that making Direct Payments to the adult or nominated person is an appropriate way to meet the needs in question.  |

8.4. If the Council decides that it is not appropriate to make Direct Payments, the reasons for the decision will be made in writing and the Council will make a written record available to the individual. It will also inform the individual about how to complain if they are not satisfied with the decision of the Council.

## **9. Direct Payments for Adults lacking Capacity**

9.1. Where an individual lacks the capacity to make a decision to request Direct Payments an "authorised person" or a "suitable person" may request Direct Payments on the individual's behalf. A person is authorised for the purposes of Direct Payments if:

- a. The person is authorised under the Mental Capacity Act 2005 to make decisions about the adults needs for care and support
- b. Where a person is not authorised under the Mental Capacity Act 2005 as mentioned in a). above, a person who is so authorised agrees with the local authority that the person is a suitable person to whom to make the Direct Payments

A person is a suitable person who falls within paragraph a) and b) above.

- c. Where there is no such person authorised under a). and b). above, the Council considers that the person is a suitable person.

Where the individual lacks capacity to request Direct Payments the following conditions, as set out in the Care Act 2014, must be met in their entirety:

- Condition 1      where the person is not authorised under the Mental Capacity Act 2005 but there is at least one person who is so authorised, that person who is authorised supports the person's request.
- Condition 2      the local authority is not prohibited by regulations under section 33 from meeting the adult's needs by making direct payments to the authorised person, and if regulations under that section give the local authority discretion to decide not to meet the adult's needs by making direct payments to the authorised person, it does not exercise that discretion.
- Condition 3      the local authority is satisfied that the authorised person will act in the adult's best interests in arranging for the provision of the care and support for which the direct payments under this section would be used.
- Condition 4      the local authority is satisfied that the authorised person is capable of managing direct payment by himself or herself, or with whatever help the authority thinks the authorised person will be able to access.

Condition 5	The local authority is satisfied that making direct payments to the authorised person is an appropriate way to meet the needs in question
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## **10. Who is excluded from a Direct Payment – adults and children**

### **Adults**

- 10.1. There are some adults for whom Direct Payments cannot be made whether or not they have capacity. These are set out in Schedule 1 of the Care and Support (Direct Payments) Regulations 2014. These are individuals who are subject to a court order for a drug and/or alcohol treatment programme or similar schemes.
- 10.2. There may be occasions whereby the Council considers that an adult may no longer be appropriate to receive a Direct Payment due to their financial circumstances. These instances will be reviewed on an individual basis and may include debt which has accrued with the Council for other services.

### **Children**

- 10.3. Someone without Parental Responsibility for the child.
- 10.4. The parent where the child is over 16, has requested the payment is made to them.
- 10.5. A nominee where such nomination has been revoked.

## **11. Direct Payment for Carers**

- 11.1. A carer is someone who helps another person, usually a relative or friend in their day to day life. This is not the same as someone who provides care professionally or through a voluntary organisation. In relation to carers the Care Act refers to adult carers (people over 18 years who are caring for another adult, young carers (aged under 18 years) which are also covered by section 17ZA-C Children Act 1989 and adults who care for disabled children can be assessed and supported under section 17ZD.
- 11.2. A Local Authority must assess whether a young carer of a disabled adult or another child or adult carer of a disabled child has needs for support on the appearance of need or following a request (S17ZA(1) and S172ZD(1) Care Act 1989.
- 11.3. Carers are entitled and can request an assessment. In the first instance an adult carer's assessment will be conducted by the Carers Hub who will consider the carers caring responsibilities, and the physical, mental and

emotional wellbeing of the carer. However, there may be occasions whereby the allocated worker will conduct a carers assessment where there is an urgent requirement to meet a carers needs. Any joint assessments will be carried out by the Council.

11.4. There may be instances where the person being cared for may or may not have assessed needs, but their carer does have eligible, assessed support needs in his or her own right. However, the carer must be providing necessary care of which the adult is not capable of meeting themselves or care for a disabled child under S17ZA(d). The carer would receive an assessment in their own right, and the social care representative would reflect their needs which would be captured in their support plan. The carer in this circumstance can request a Direct Payment and use it to pay for services that are identified within their support plan if the carer's assessed needs would be met by such provision. The carer would therefore receive a support plan that covers their needs. The carer in this circumstance can request a Direct Payment and use it to pay for services that are identified within the support plan if the carer's assessed needs would be met by such provision.

11.5. As a result of an assessment the carer may be eligible for a Direct Payment where there is or likely to be a significant impact on a carer's wellbeing. In these circumstances this will be dealt with by Adult Social Care. The Direct Payment enables the carer to purchase a service to support them in their caring role and enable them to maintain their own health and wellbeing. In relation to carers Direct Payment a number of eligibility criteria may apply such as:

- The carers need must arise from providing 'necessary' care to an adult
- The carer's physical or mental health is, or is at risk of deteriorating
- The carer is unable to achieve one or more outcomes specified in the carers assessment

11.6. A carer's Direct Payment enables the carer to have a fulfilling life outside of their caring responsibilities. This is not means tested and the amount will be dependent upon the carer's assessed needs and the outcomes they wish to achieve.

11.7. However, if the cared for adult has eligible needs of his or her own, then the carer cannot use their direct payment for replacement care because such care would form part of the cared for adult's own needs.

- 11.8. The assessment process for children and young people includes Early Help Assessment and Children and Family Assessment (Child in Need / Child Protection) which will consider the needs of the carers and any other children of the family living in the same household. An initial assessment will be undertaken to consider the carer's individual needs (please refer to section 11.2).
- 11.9. The Early Help Team within Children Services will assess the needs of young carers. The Young Carers Assessment Team will liaise closely with Cheshire East Carers Hub.
- 11.10. Additional guidance and support can be accessed for children and adults via the Carers Hub, which is a service commissioned by the Council and delivered and hosted by Making Space [www.cheshireeastcarershub.co.uk](http://www.cheshireeastcarershub.co.uk)

## **12. Responsible Person**

### **Definition and requirement – adult social care**

- 12.1. Individuals who are not able to manage Direct Payments themselves can still access Direct Payments via a nominee. Where the person has the capacity to request a Direct Payment they may nominate a responsible person to manage Direct Payments on their behalf. In this situation the responsible person will be required to sign a Direct Payments agreement and they will become legally responsible for its administration and the requirements set out in the agreement and they are expected to act in the best interests of the person the Direct Payments are for.
- 12.2. The responsible person who manages the account should not be paid for delivering services to the Direct Payment client for example care services, administration and management of the Direct Payment.
- 12.3. The Council can make a Direct Payment to a responsible person following a request, if all 4 conditions under section 32 of the Care Act are met (as outlined in section 7). The Council will need to be satisfied that the responsible person will act in the adult's best interests in arranging for the provision of the care and support for which the Direct Payments will be used. The responsible person must be capable of managing Direct Payments by himself or herself, or with whatever help the authority thinks the responsible person may require and will be able to access.
- 12.4. Where a responsible person is acting on the behalf of an individual and where it is agreed by the person with care and support needs and they have capacity, the responsible person will be solely responsible for meeting the terms and conditions of receiving Direct Payments.

- 12.5. Where the person with care and support needs has been assessed as lacking the capacity to manage Direct Payments and a responsible person is appointed to manage the account and purchase care and support services on behalf of the customer, the responsible person is responsible for meeting the terms and conditions of receiving Direct Payments.
- 12.6. Where the responsible person is not a close family member or friend, they must have a satisfactory Disclosure and Barring Service (DBS) check. Additional funding can be provided in Direct Payments to cover the cost to the individual for the DBS application.
- 12.7. Once Direct Payments have started, the responsible person, will have to organise care to meet eligible care and support needs as set out in the support plan. This can include recruiting staff, employing an agency, maintaining records, managing the Direct Payment and providing evidence (timesheets and invoices) to the Council that the money is being used to meet their agreed needs and that the person is central to the management of the Direct Payment.
- 12.8. Where there appears to be a change of need and/or the support plan appears to no longer meet the needs, the Direct Payment client and/or the responsible person, must ask for a reassessment and a new support plan to be agreed.
- 12.9. The person receiving the Direct Payment must ensure (if appropriate) those services purchased meet an outcome specified in the support plan. Services that do not meet an outcome may be considered a breach of the Direct Payment agreement and could result in the Direct Payment being suspended or withdrawn. For example, where a person's needs change from support at home to the need for respite breaks; this must be agreed by the Council in advance.
- 12.10. The Council will work to ensure that the support plan or Education, Health and Care Plan is not overly prescriptive in the description of the ways in which need can be met in achieving an individual's outcomes.
- 12.11. Where the Council is appointed as the Corporate Appointee or Deputy for the individual the Council cannot also be named as a responsible person to manage the Direct Payment.

**Definition and requirement – children social care**

- 12.12. If a child is under 8 and care is to be provided in the employee's home, they will need to be a registered childminder. Anyone caring for at least one

child under the age of 8 for pay or gain and for more than two hours cumulatively must register with OFSTED or a Childcare Agency.

12.13. For children subject to Early Help Assessment or Child in Need Plans their plans will be to define the outcomes sought from the use of the Direct Payments and which specific services will be purchased with the Direct Payment.

### **13. Use of Direct Payments**

13.1. Direct Payments are designed to be used flexibly and innovatively and there should be no unreasonable restriction placed on the use of the payment, as long as it is being used to meet eligible care and support needs as identified in the support plan or Education, Health and Care Plan or the Child in Need Plan.

13.2. Allocated workers will make individuals aware of and how to gain access to information and advice support services during assessment of needs, support planning and reviews.

### **14. What can Direct Payments be spent on?**

#### **Types of services**

14.1. Direct Payments can only be used to meet the individuals assessed need as identified in the Direct Payment Agreement and support plan. Examples of the type of services that may be purchased (this list is not exhaustive or intended to be definitive):

- Personal care
- Day care / Day Opportunities
- Supported living
- Short-term breaks, such as respite care
- Community care services for disabled parents to assist with parenting tasks
- Supporting residents with their social and cognitive development, and building the skills for independence

14.2. The Direct Payment recipient may contract with an agency to provide services or become an employer and recruit their own personal assistant. Please refer to section 17 and section 18 for further information.

14.3. The Direct Payment client may choose to use their Direct Payment to purchase services from another organisation, such as a care agency or day care provider. It is important to be aware that the contract and agreed price



is a private contractual arrangement between you and that care provider. Therefore, it is really important to review the care providers terms and conditions about price increases and notice periods before deciding where to buy from. Should the care provider increase its prices in the future above the agreed payment rate or charge notice periods, the Council will not automatically be responsible for meeting any additional costs.

## 15. Restrictions on the use of Direct Payments

### Overview

15.1. There are some restrictions on the use of Direct Payments that ordinarily Direct Payments **cannot** be used for.

- To purchase services for the Direct Payment client from The Council or the NHS. However, the Council will exercise discretion and consider individual circumstances.
  - For example, a person can purchase services from another council, if the person lives near the border of another area and wishes to use services in that area, or as part of the Short Break Local Offer to disabled children and their families.
- Adult short-term residential care for periods of more than four consecutive weeks in a 12 month period. (Periods of short-term care less than four weeks apart will be combined for this purpose and will add to the total period).
- As at the date of this policy, Direct Payments in Cheshire East cannot be used to purchase long term care in a care home.
- To purchase a service for someone who is no longer an ordinary resident of Cheshire East other than by prior agreement in writing with the Council adult and children's services and the persons funding authority.
- Childcare costs will not be covered by a Direct Payment if they are not to meet an assessed social care or educational need of the child.
- To secure services from a spouse or a partner with whom they live, or from a close relative or their spouse or partner who live in the same household as the Direct Payment client. This does not include close family members who live elsewhere. This includes:
  - your spouse (husband or wife)
  - your civil partner
  - your partner whether you are unmarried or part of a same sex couple or
  - a close relative who lives with you or the spouse or partner of that close relative
- To pay the person who is responsible for managing the Direct Payment account.

- Anything which does not achieve an outcome identified in the need assessment, support plan or Education, Health and Care Plan, Early Help Assessment or Child in Need Plan.
- For adult social care any personal contributions resulting from a financial assessment, such as the person's financial contribution towards their care and support, telecare charges, contribution to a Disabled Facilities Grant or personal contribution for short term care in a residential home.
- Making cash payments – payments to care or service providers should be made by card payment, bank transfer, standing order or direct debit. Unless this is agreed in an individual's support plan.
- Any bank charges, legal charges or HM Revenue and Customs fines because of mismanagement of the direct payment will be your responsibility.
- The Direct Payment cannot be used to pay for the services of a self-employed assistant unless proof of their self-employed status has been evidenced. If their status is not conclusive the Council will be unable to fund. (please refer to section 17.14)
- **Daily living costs / debt repayment and investments** such as personal or household expenses including essential household goods, personal loans, utility and household bills, rent or mortgage repayments.
- **Transport Costs** including purchasing fuel unless transport is part of meeting an assessed eligible need and other options for meeting such needs have been explored. Consideration needs to be given to the Council's Adult Social Care Charging Policy.
- **Personal Protective Equipment.** unless it is part of meeting an assessed eligible need. Consequently, this will be reviewed at the point of a financial assessment for adults and an appropriate allowance will be made. Direct Payments should not be used for health supplies such as continence pads.
- **Gambling** Direct Payments should not be used to fund gambling or access to gambling establishments for the adult.
- **Alcoholic and Non Alcoholic drinks and food** Direct Payments should not be used to purchase these items.
- **Sex workers** for the avoidance of any ambiguity Direct Payments should not be used to procure the services of a sex worker.
- **Illegal goods or activities** e.g. drugs
- **Entrance/Admission Costs** Direct Payments should not be used to pay for admission and/or entrance costs to establishments, i.e. Theme Parks, Cinema, and Theatre. They can be used to pay for the PA's/Support Workers admission to such establishments where the child, young person or adult requires their presence. Attempts should be made to clarify whether the establishment in question allows PA's/Support Workers free

admission when accompanying a child, young person or adult before any spending on such activities is agreed.

- For example, the CEA Card is a national card scheme developed for UK cinemas by the UK Cinema Association. This enables a guest to receive a complimentary ticket for someone to go with them when they visit a participating cinema.
- **Holiday Direct Payments** should not be used to fund 'holidays'. However, it can be used to meet assessed needs whilst on 'holiday'. (please refer to Section 22).

However, there may be exceptional circumstances, which would require discussion and approval. Therefore, discretion will be applied based on individual circumstances, as identified in the adult need assessment, Early Help Assessment or Children and Families Assessment care and support plan or child in need plan:

## 16. Direct Payment client responsibilities

### Level of understanding

- 16.1. Direct Payment clients will be informed of their level of responsibility in respect of accessing a Direct Payment. In particular whether accessing a Direct Payment to meet eligible support needs via a care agency or employing a personal assistant or a combination of approaches.
- 16.2. The person in receipt of Direct Payments must understand the responsibilities linked to having and managing Direct Payments and agree to have their personal budget as a Direct Payment. All reasonable steps should be taken to support the person to understand the nature of the decision to request Direct Payments and to ensure that they can make an informed choice.
- 16.3. As part of the condition of accessing a Direct Payment a Direct Payment client will need to understand their level of responsibility and what is required. As part of the process of accessing a Direct Payment, the client will need to confirm their level of understanding and sign confirming this, by way of a Direct Payment Agreement. However, there may be instances whereby assistance is required from their responsible person acting on their behalf to ensure that they have understood and agree to the conditions of the Direct Payment. The Direct Payment agreement will be signed in advance of payments being administered by the Council.

16.4. Individuals should not be coerced into accepting Direct Payments.

Allocated workers must be satisfied that there are no safeguarding concerns which could be exacerbated by the provision of Direct Payments.

## **17. Personal Assistant Definition and responsibilities**

17.1. A personal assistant is defined as a person employed by the Direct Payment client to meet individual identified eligible support needs.

17.2. If an individual decides to use their Direct Payment to hire a personal assistant there are significant and legal responsibilities associated with becoming an employer. These include:

- Recruitment – advertising / job description / job specification
  - Shortlisting and interviewing staff
  - Job references and appointing staff
  - Criminal record check (DBS)
  - Right to work checks
- associated contract of employment,
- terms and conditions including hourly rate,
- Entitlements such as holiday pay, sickness benefit, maternity pay, paternity pay and pension contributions if applicable,
- Managing risk / health and safety
- Accessing training opportunities
- Appropriate supervision

17.3. The individual must ensure that they take out the most appropriate level of liability insurance such as:

- Employers' liability insurance – legal costs relating to health and safety, unfair dismissal claims
- Public liability insurance – damages and other costs

17.4. There are organisations that can provide independent and impartial advice, and support to people who are interested in learning more about Direct Payments as well as providing support and specialist advice such as:

- Help with insurance, recruitment, training, employment, contracts of employment, HMRC responsibilities, pension auto-enrolment, and national insurance
- Calculating holiday entitlement, notice, redundancy pay etc., for employees
- Easily accessible advice and support about payroll issues
  - Providing a payroll service and payslips
- Managed account

- Support to process Disclosure Barring Services (DBS) checks

17.5. The Council commissions a Direct Payment Support Service for adult residents of the borough which will be able to offer support and guidance, further information can be found by visiting the following website  
<https://peopleplus.co.uk/independent-living-service/cheshire-east>

17.6. There is a dedicated Council employee who can assist with children and young people Direct Payments and provide the same range of support (as noted in 17.4). There are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. Email:  
[directpaymentadvisers@cheshireeast.gov.uk](mailto:directpaymentadvisers@cheshireeast.gov.uk)

17.7. The Council will pay a Direct Payment Personal Assistant rate when an individual employs a personal assistant which takes into account the associated costs that are necessarily incurred in securing provision, without which the service could not be provided, or could not lawfully be provided. Such costs may include payroll fees, liability insurance, DBS, and advertisement costs.

17.8. The individual or the responsible person has responsibility for making contingency arrangements; to provide cover if their staff member is absent and when necessary will be able to make arrangements for alternative cover. The need for plans to cover emergency and unplanned situations will be discussed by the allocated worker with the Direct Payment client or their responsible person and outlined in the individual's support plan.

17.9. If the responsible person employs a personal assistant, they must ensure they have signed a 'contract of employment' and that they carry out the necessary pre-employment checks. The responsible person will also need to ensure that all legal requirements for being an employer are met.

17.10. It is the responsibility of the employer to operate PAYE and to account for National Insurance Contributions unless the personal assistant is engaged through an agency.

17.11. Personal Assistants employed through Direct Payments should have access to appropriate training, which can often be sourced free of charge via appropriate organisations, for example, Skills for Care. There may be occasions where additional training is required to meet the needs of the individual, in such cases this will be documented, recorded and agreed in the

individuals support plan and clearly identify training needs and associated costs.

17.12. Relatives of individuals employing a spouse, partner or other close relative, if that person lives in the same household as the Direct Payments client, may be agreed by the Council in exceptional circumstances if it can be satisfied that it is necessary to meet the person's needs, or, if the person needing care is a child and it is necessary to promote the child's welfare. The details and amounts will be agreed and recorded in the individual's support plan.

17.13. Adult or children's services are not obliged to fund additional costs associated with the persons preferred method of securing a service, or costs incurred by the person at their discretion, for example, non-statutory liabilities such as an ex-gratia bonus or overtime payments to a personal assistant.

### **Self employed**

17.14. A direct payment can be used to pay for the services of a self-employed personal assistant. However, proof of their self-employed status along with their public liability insurance certificate will need to be evidenced.

17.15. It is your responsibility to check the employment status of any self-employed Personal Assistant before they commence work. Employment status can be checked via the HMRC website: [www.gov.uk/employment-status/employee](http://www.gov.uk/employment-status/employee) or by using the HMRC online status tool: <http://tools.hmrc.gov.uk/esi/screen/ESI/en-GB/summary?user=guest>

17.16. If a personal assistant's status is not conclusive the Council will be unable to accept them as self-employed, and they will have to be paid through PAYE.

17.17. When paying a self-employed personal assistant, you do not need to deduct any liabilities such as; National Insurance, Pension contributions or Tax as the Personal Assistant is responsible for making these payments.

17.18. You are not responsible for providing holiday pay, however the self-employed Personal Assistant should organise cover for when they are not able to provide support.

17.19. A self-employed Personal Assistant would be responsible for providing the equipment they need to do their role, along with arranging and paying for any training they may require.

17.20. A self-employed Personal Assistant would be responsible for providing a contract of work, setting out their terms and conditions – not a contract of employment. The contract of work would be agreed to and signed by both parties, inclusive of details of their fees.

17.21. A self-employed Personal Assistant would be required to invoice you for their fees in a timely manner.

17.22. A self-employed Personal Assistant would still be required to provide a satisfactory Disclosure and Barring Service check before providing any services, along with evidence of liability insurance.

17.23. If HMRC rule at a later date that the personal assistant is employed then the Direct Payment client will be responsible for paying any penalties and additional costs.

17.24. Further guidance on employment status can be found [GOV.UK](https://www.gov.uk) website

## **18. Role and responsibility of the person receiving a Direct Payment**

### **Agreement, documentation**

18.1. A condition of accessing a Direct Payment is such that the person receiving the Direct Payment, or their responsible person is entering into a contractual agreement with adult or children's services, so it is important that they make sure they fully understand the terms of the agreement and what is involved. It is a requirement that they sign the Direct Payment.

18.2. It is essential that all documentation and supporting evidence is provided to the Council to demonstrate that the money is being used to meet an individual's agreed needs and that the person is central to the management of the Direct Payment.

18.3. Once Direct Payments have started, the individual or the responsible person, will have to organise care to meet the assessed needs as set out in the support plan. This can include for example recruiting staff, employing an agency, maintaining records, and managing the Direct Payment.

18.4. For adult Direct Payments the Council can signpost to the commissioned Direct Payment Support Service which will provide guidance on the roles and responsibilities of becoming an employer. For more information please visit the following website <https://peopleplus.co.uk/independent-living-service/cheshire-east>

The range of guidance and support includes:

- The Direct Payment client will be supported to ensure that they understand their responsibility in terms of client contributions, financial management etc.,
- Help with insurance, recruitment, employment, training, contracts of employment, HMRC responsibilities, workplace pension and national insurance
- Support and advice in relation to employment law, employee issues / concerns or difficulties
- Calculating holiday entitlement, notice periods, redundancy pay, pension contributions
- Advice, guidance and support in relation to managed bank accounts prepaid cards, and payroll services

18.5. In the case of Children and Young People, the Council has a dedicated officer who is able to provide information, advice, and support families in relation to their direct payment role and responsibilities. (as outlined in section 17.6)

18.6. It should be noted that it is the Direct Payment clients and/or their responsible representatives' responsibility to ensure all obligations such as HMRC requirements are met and individuals must be aware of this before agreeing to take up a Direct Payment, as they are accepting responsibility to act legally as an employer.

18.7. The range of responsibilities include the following:

- Registering as an employer (HMRC)
- Operating PAYE
- Checking that the potential employee has the right to work in the UK, for further information please refer to <https://www.gov.uk/check-job-applicant-right-to-work>
- Support to process appropriate checks such as Disclosure and Barring Service (DBS) ensuring that any employees have undergone the necessary checks (personal assistant) before they start to work
- Ensuring that they pay their employees at least the national living wage
- Complying with working time directives and adhering to legislation in respect of holiday, sickness, maternity and paternity pay
- Enrolling eligible employees into a workplace pension scheme
- Ensuring appropriate level of liability insurance is in place before a person works in their home

## **19. Pooled Budget Direct Payments**



- 19.1. Clients of Direct Payments may wish to join with others to pool their Direct Payment on a regular basis. This means using all or part of their Direct Payment with others to purchase a service, contract with an agency or employ a personal assistant, which will be shared to help achieve better outcomes, meet common needs, goals and aspirations more effectively and efficiently for all participating individuals.
- 19.2. It is a requirement that an agreement for pooled Direct Payments will be understood and agreed by all parties and that individuals or their responsible representative sign to agree to share the collective arrangement. Such arrangements need to consider responsibilities and contingency measures should one or more parties wish to end or change the agreement.
- 19.3. Any pooled budget arrangements would be documented and reflected in the individuals support plan, and Direct Payment pooled budget agreement. This will need to include who will take responsibility for those arrangements and what the group will do if things were to change.

## **20. Emergency and contingency arrangements**

### **Planning and Contacts**

- 20.1. The Council expects each person receiving a Direct Payment to make arrangements or contingency plans to cope with emergencies and this responsibility is included in the Direct Payment agreement where appropriate.
- 20.2. For adults the Direct Payment Support Service would be able to offer advice, guidance and support in accessing alternative care when carer failure / breakdown has occurred. The service also assists with contingency and emergency planning. Please visit <https://peopleplus.co.uk/independent-living-service/cheshire-east>
- 20.3. There are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. Email [directpaymentadvisers@cheshireeast.gov.uk](mailto:directpaymentadvisers@cheshireeast.gov.uk)
- 20.4. In the event of an emergency, if the individual cannot organise care as detailed in their support plan, they should request assistance from the Council. The appropriate Adult or Children Social Care Team or Emergency Out of Hours contact details will be given to the Direct Payment client.
- 20.5. If planned cover arrangements breakdown an allocated worker may be able to provide support to make alternative arrangements.

## **21. Ordinary residence**

### **Travelling or moving out of area**

21.1. If a person goes away temporarily (e.g. on holiday) then their Direct Payment should continue as they are still ordinary resident in the borough of Cheshire East and will still have eligible needs requiring our support. The rules of ordinary residence should be applied in deciding whether to cease the Direct Payment.

21.2. If a person moves out of the borough of Cheshire East permanently, then our (The Council) responsibility ends but we can choose to continue the Direct Payments for up to 6 weeks (following negotiation with the receiving authority). This would be to ensure continuity of care for the person.

21.3. Where the Council supports a carer via Direct Payments and the cared for person moves out of the borough of Cheshire East on a permanent basis the same rules as above will be applied.

## **22. Other uses of a Direct Payment**

### **Informal carers**

22.1. Direct Payments can be used to replace care provided by informal carers on a short-term basis. Informal carers are defined as not being employed or paid to provide the support. Such short-term support could include time away from the home or additional formal support in the home whilst the informal carer is absent.

### **Eligible needs on holiday**

22.2. Direct Payments should not be used to fund 'holidays'. However, it can be used to meet eligible needs whilst on 'holiday'. This could include the Personal Assistants expenses or the care provision whilst away. Consequently, costs incurred by the Individual or informal carer should not be claimed.

## **23. Equipment**

### **Community Equipment**

23.1. The Council in partnership with key stakeholders have commissioned an integrated community equipment service which provides equipment to meet the health and social care needs of the local population.

23.2. There may be exceptional circumstances where equipment may be sourced via an alternative route rather than the traditional integrated community equipment service. Where an individual has an identified need

and may require equipment to support them with their daily living to optimise their level of independence and wellbeing this would be considered as part of the assessment process.

23.3. There may be other circumstances where equipment is sourced to support the individual such as through individual funding requests for Continuing Health Care or Children's Continuing Care. You may wish to seek further advice from the allocated worker.

## **24. Information and advice**

24.1. All individuals that are eligible for social care or have an Education, Health and Care Plan, Early Help Assessment will be provided with information about Direct Payments, and what support is available to enable them to manage the Direct Payment.

24.2. Information, advice and support relating to adult Direct Payments will also be available to the public through the Council commissioned Direct Payments Support Service. This service provides support to individuals to consider if they wish to receive all or part of their personal budget as a Direct Payment, offer additional support to understand their responsibilities of managing a Direct Payment and being an employer. For more information please visit <https://peopleplus.co.uk/independent-living-service/cheshire-east>

24.3. For children and young people please contact the Family Information Service telephone: 0300 1235033 email: [fis.east@cheshireeast.gov.uk](mailto:fis.east@cheshireeast.gov.uk) or there are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. Email [directpaymentadvisers@cheshireeast.gov.uk](mailto:directpaymentadvisers@cheshireeast.gov.uk)

24.4. Information and advice and what other support may be available can be requested by contacting the Council Adult Contact Team by telephone on 0300 1235010 or email: [AdultContactTeamSouth@cheshireeast.gov.uk](mailto:AdultContactTeamSouth@cheshireeast.gov.uk) or [FirstPointofContacteast@Cheshireeast.gov.uk](mailto:FirstPointofContacteast@Cheshireeast.gov.uk)

24.5. Further useful information and advice can be accessed on Live Well Cheshire East, which contains a directory of services and activities available in Cheshire East. <https://www.cheshireeast.gov.uk/livewell>

## **25. Complaints**

25.1. Where there are difficulties around setting up Direct Payments these can be resolved locally between the allocated worker and Direct Payment client. If the individual/s remains unhappy about any action or decision within this

process, they have the right to complain and they can make a formal complaint. Please refer to Cheshire East website – social care comments and complaints [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

25.2. Once the client has received their Direct Payment and they have arranged their care and support they are encouraged to resolve any issue, should any arise with their employee/agency. If issues persist and the Direct Payment client wishes to contact Adult or Children's Social Care for support/advice, they can contact the allocated worker.

25.3. Advice/guidance can be offered in relation to resolving the issues / complaints where the Council has no contractual relationship with the employee/agency employed. At this stage the Council may not deal with this matter under the complaint procedure, help and/or signposting should be provided.

25.4. If an individual in receipt of Direct Payments needs support to appeal or complain they should be referred to the appropriate advocacy service.

## **26. Direct Payment Support Service**

### **Adults, and transition**

26.1. The Council has commissioned an independent Direct Payment Support service which will provide impartial, independent information and advice to the adult residents of the borough. The service will also support those young people who are at 'transition' stage into adulthood in respect of Direct Payment support. The service also provides a brokerage function for those individuals who wish to receive their personalised budget as a Direct Payment. The Direct Payment Support Service can be accessed via <https://peopleplus.co.uk/independent-living-service/cheshire-east>

### **Children and young people**

26.2. There is a dedicated Council employee who can assist with children and young people Direct Payments. The officer will provide support in relation to accessing a direct payment, responsibility in managing their direct payment, budgeting, recruitment and record keeping. For children and young people please contact the Family Information Service by telephone 0300 1235033 email: [fis.east@cheshireeast.gov.uk](mailto:fis.east@cheshireeast.gov.uk) or there are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. Email [directpaymentadvisers@cheshireeast.gov.uk](mailto:directpaymentadvisers@cheshireeast.gov.uk)

## **27. Direct Payments Procedures - Safeguarding and Disclosure and Barring Service (DBS) Checks**

### **Safeguarding**

27.1. Individuals accessing Direct Payments must be able to manage the Direct Payment with or without assistance, though assumptions will not be made about a client's ability to manage. Once the person has made a request to receive their personal budget as a Direct Payment, the allocated worker must be satisfied there are no safeguarding concerns which could be exacerbated by the provision of a Direct Payment.

27.2. Where safeguarding concerns are raised at the initial set up of making a Direct Payment, a review should be carried out to determine the individual's ability to manage the Direct Payment. Safeguarding concerns would be investigated under the appropriate safeguarding process for example, concerns in respect of children may result in child protection processes being initiated to ensure the safety of the child.

### **Disclosure Barring Service (DBS)**

27.3. Supporting children - An enhanced Disclosure and Barring Service (DBS) check must be obtained for anyone, prior to commencing work, who is involved in the provision of the support where this is regulated care, working with a child or there are children in the house. Sight of the satisfactory enhanced DBS with a children's barred list check should be recorded in the client's electronic social care record. If in doubt, the DBS eligibility tool on which check is required can be found here: DBS eligibility guidance – Gov.uk ([www.gov.uk](http://www.gov.uk)). Only an employer can apply for an EDBS. A DBS check is not portable meaning a employer cannot rely on a historic DBS check the prospective employee has in their possession. There are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. We require sight of the EDBS check with a copy for our records. If advice is needed on matters to review, advice can be sought from the dedicated Direct Payment Advisers based within the Family Help Service.

27.4. Supporting adults - Where the responsible person is not a close family member, they must have a satisfactory Disclosure and Barring Service (DBS) check. Regulation 3(4) of the Care and Support (Direct Payments) Regulations 2014 provides that certain types of responsible persons must obtain DBS checks in order to support the Direct Payment recipient. The person who is nominated as a responsible person and who is listed in Regulation 3(3) or a friend of the client who is involved in the provision of care, does not have to obtain a DBS certificate for anyone he or she

employs to do the actual care. Additional funding can be provided in the Direct Payment to cover the cost to the individual for the DBS application.

## **28. What happens when circumstances change?**

28.1. Where there appears to be a change of need and/or the support plan appears to no longer meet the individuals' needs, the Direct Payment client and/or responsible person must ask for a reassessment and a new support plan to be agreed.

28.2. For example, where a person's needs change from support at home to the need for respite breaks; this must be identified as part of the re-assessment and agreed by the Council in advance.

28.3. The person receiving the Direct Payment must ensure that services purchased meet an outcome specified in the support plan. Services that do not meet an outcome may be considered a breach of the Direct Payment agreement and could result in the Direct Payment being suspended or withdrawn.

28.4. If the Direct Payment client being cared for is placed in a permanent residential setting or dies, the Direct Payment will be terminated. Any funds remaining in the account must be returned to the Council. It should be noted that the Council Direct Payment provisions are paid in advance; therefore, it is likely that an overpayment may occur due to the payment schedule. It would be appropriate at this point for the Council to recover any overpayment of funds.

28.5. If the direct payment child/young person's main carer becomes unwell or requires a hospital stay they must contact their allocated worker to discuss how this would be managed. If they are unable to do so due to being incapacitated in an unplanned or emergency way, another close family member is asked to do this.

## **29. Finance and Monitoring**

### **Payment of the Direct Payment**

29.1. Direct Payments will be made by the Council or its delegated representatives on a 4 weekly basis. One off payments can also be made if they are appropriate to meet a person's needs.

29.2. A separate current account or payment card account must be used for a Direct Payment. This has to be in the name of the person receiving the Direct Payment or may be a third party if agreed by the person in receipt of the direct payment from adult or children's services. The account cannot

have an overdraft facility as the budget should be managed to avoid overspending.

29.3. The Direct Payment client and/or their responsible person, should not financially benefit from money held in their bank account or from the direct payment itself.

29.4. The Council will introduce a prepaid card account for residents who choose to receive their personal budget as a Direct Payment. This is a separate bank account, with a debit card set up for the person by The Council. However, where this is not appropriate for the individual alternative arrangements will be considered by the Council in consultation with person.

29.5. The Council will allow a reserve for adults equivalent to 4 weeks (10 weeks for children) but for those with fluctuating health needs, this will be considered on a case by case basis. Direct Payment funds are to be held as a contingency in the nominated account, unless otherwise agreed. However, the Council reserves the right to reclaim funds in excess of this amount. It is a responsibility of the Direct Payment client to notify and return any funds above this amount held in the nominated account.

29.6. If an individual requires any information, advice and support, they will need to contact their allocated worker and/or contact the independent Direct Payment Support Service <https://peopleplus.co.uk/independent-living-service/cheshire-east>

### **Client contribution**

29.7. All adult Direct Payments are subject to a financial assessment that will be carried out by the Council, with the exception of Carers Direct Payments, these are not subject to a financial assessment, however, a carers need assessment will be carried out by the Carers Hub. [Cheshire East Carers Hub \(All Age Carers Hub\) | CheshireEast MarketPlace](#)

29.8. As part of the support planning process an adult with eligible care and support needs will be referred on for a financial assessment to determine their ability to pay for the care and support that they receive. A requirement of the financial assessment is to share information in relation to income, capital and expenditure. This will determine if a client contribution is applicable.

29.9. Should a Direct Payment client be liable to contribute towards the costs of the care and support they receive the Council will ensure that payments are made NET of any applicable assessed client contribution as noted in the Council Charging Policy.

29.10. If someone wishes to access short-term 24-hour care services using a Direct Payment – they can be allocated up to 4 weeks direct payment funding. Their allocation will be paid in appropriate lump sum payments, separate to any other allocations that may be paid weekly to ensure they have appropriate funds to access respite service. Their residential charge will apply to the direct payment and will be netted off the allocated amount for respite.

29.11. The client contribution must be used first to pay for support prior to the Direct Payment being used.

29.12. If an individual decides to use less support, their care needs will be reassessed to determine the correct level of support and a financial reassessment to determine the contribution for the individual.

#### **What if you disagree with the amount of client contribution?**

29.13. The Direct Payment Agreement outlines the terms and conditions for managing a Direct Payment. Individuals sign an undertaking that they have read, understood, and agree to these conditions. One of which is that the individual will undertake the payment of their assessed level of contribution which is paid into their dedicated Direct Payment account.

29.14. If an individual is unhappy with their financial assessment, they must contact the Business and Finance Team as soon as possible. The individual must continue to pay their assessed level of contribution as this is the first part of the money spent on the individuals care and support. If this is not paid the individual will not be able to cover the full cost of their care and support and may be considered to be in breach of the terms and conditions of the agreement.

29.15. A financial reassessment will be undertaken to determine the level of contribution. The individual will be notified of any changes resulting from the reassessment.

#### **Amount of Direct Payment**

29.16. The Council will provide an indicative budget based on the individuals level of assessed need. This budget should be utilised in a way which meets their assessed and eligible needs as documented in the individuals support plan. Any additional on costs associated with becoming an employer such as advertising, DBS, initial insurance liability will be included in the set up costs of the Direct Payment which will be met on an individual basis by the Council.



29.17. Consideration to local market intelligence, such as costs of local quality provision will be taken into account to ensure that the indicative budget reflects local market conditions and that appropriate care to meet an individuals needs can be obtained.

### **Personal top up**

29.18. A personal budget must be sufficient to meet the assessed needs of the individual in receipt of the Direct Payment. If, however, the individual wishes to commission a service that is more expensive than the Direct Payment, and the Council is satisfied that the amount of Direct Payment is sufficient to meet their assessed needs, then this can only be done if the Direct Payment client or third party is willing to pay an additional amount towards the Direct Payment. At this point reference should be made to the Council's Top Up Policy.

29.19. For the avoidance of doubt Cheshire East Council will not be liable to the individual or organisation in the event that you do not pay for the services that you commission. Top up payments will not be recognised in your financial assessment.

### **Audit and Review**

29.20. Monitoring of Direct Payments is essential and enables the Council to account for public funding within the guidelines lay down by The Chartered Institute of Public Finance and Accountancy (CIPFA).

29.21. The Council must be satisfied that Direct Payments are being used to achieve the outcomes identified in the support plan and that Direct Payments is still an appropriate way to meet eligible needs.

29.22. To give this assurance, Direct Payments will be monitored through the Council 'audit' process and a review of the individual's support plan. The audit process will support any reviews related to the person's care and support to ensure that Direct Payments are still the most appropriate way of ensuring a person's outcomes are met.

29.23. The Council will audit the use of Direct Payments in an efficient and proportionate way. The aims of the audit will be to provide early support and assurance to all new Direct Payment clients. This will enable identification of:

- Any problems at an early stage and enabling access to appropriate support.

- Monitor the use of Direct Payments and to provide assurance to the Council that Direct Payments are being spent to achieve outcomes identified in support plans
- Highlight excess balances to be returned (as noted in section 30.4) to the Council and identify fraudulent use of funds
- Confirm that contributions are correct and being paid into the Direct Payment account
- Ensure that employer responsibilities are being met e.g. tax, NI, pension contributions
- Essential records are being kept and made available at the point of audit i.e. receipts and bank statements.

29.24. The Council will audit Direct Payments accounts using a risk based approach. This will take account of factors such as the annual Direct Payments amount, complexity of the personal budget, the person's ability to manage and the level of support they have (such as managed account or pre-paid card). This will mean that some individuals who use Direct Payments are audited more frequently than others.

29.25. Persons identified as responsible for managing a Direct Payment (as outlined in section 17) will manage the Direct Payment funding provided and services they purchase with it, with support if necessary. This will include planning funds to pay for additional costs such as employer's liability insurance, employer's national insurance contributions, contributions to pension schemes and staff training time and evidence of the support purchased. Audit and allocated worker will carry out a basic check with the Direct Payments client in the initial 6-8 weeks from allocated worker perspective and within 12 weeks from an audit perspective to ensure that the account is setup and being managed appropriately.

29.26. Allocated workers will review Direct Payments on an annual basis unless there was a change in circumstances. Allocated workers will utilise any information available about Direct Payment usage through audit, as part of their review of how needs are met. This will include monitoring of the payment of contribution amounts.

29.27. Transition to adulthood. The provision of Direct Payments change as a young person becomes an adult and by the age of 18 years. Existing receipts of Direct Payments under children services arrangements will need to be reassessed as part of the young person preparing for adulthood to determine their future level of Direct Payments as a young adult under the Care Act. This is completed by way of an adult needs' assessment by the

allocated social worker / transition worker, prior to the young person's 18<sup>th</sup> birthday.

29.28. As part of this transition a leavers audit is conducted by children services, to review the paperwork and ensure that this is correct. This audit will commence in advance of the young person's 18<sup>th</sup> birthday, and support is transferred / provided to the young person/carer post 18 years by adult social care. During the period of audit if further information is required the auditor will contact the person managing the direct payment.

29.29. It is therefore vitally important that the young person has a robust and agreed transition plan post 18 years, in order to promote a seamless transition agreed by the adult worker and their manager.

### **Audit documentation**

29.30. At the point of audit, it is the Council expectation that the Direct Payment client is able to provide documentation that supports how their personal budget has been utilised. This may include timesheets, wage slips, bank statements, invoices and receipts. Therefore, it is essential that the Direct Payment client is aware and understands that record keeping is maintained to an appropriate level which supports the audit process.

29.31. For those Direct Payments who access a managed account / payroll service the appropriate documentation would be held by the 3rd party.

29.32. If an individual does not comply and provide the required level of audit documentation, this will be reviewed on a case by case basis and the direct payment may be suspended or terminated.

### **Suspending a Direct Payment**

29.33. Direct Payments may be suspended for example if a client is temporarily unable to receive support for any reason (has a stay in hospital).

29.34. There may be occasions when Direct Payment clients require a stay in hospital. Consideration should be given to how the Direct Payment may be used in hospital to meet non-health needs or to ensure employment arrangements are maintained.

29.35. The employee's contract of employment should detail whether they will be retained in these circumstances, and any arrangements for paying retainers should be taken account of as part of support planning process.

29.36. In some cases, the responsible person managing the Direct Payment may require a hospital stay. In these cases, the Council will conduct an urgent

review to ensure that the person continues to receive care and support to meet their needs. This may be through a temporary responsible person, or through short-term authority arranged care and support.

29.37. A Direct Payment may be suspended if there is a break down in support and alternative support cannot be organised. The Council will ensure that the needs of the individual will be met in the intervening period whilst the break down in support is investigated.

29.38. If it is considered that the support the person is receiving is not of an adequate standard or does not meet the assessed support needs following further investigation; the Council will provide support in the intervening period so that the individual is not left without support.

29.39. In children's services if audit documentation has been requested from the carer and this request has not been responded to within 28 days the direct payments will be suspended until the audit process is complete.

#### **Direct Payments may be ended if**

29.40. The Council is not satisfied that the support the person receives is of an adequate standard or meets the person's support needs (we will give 21 days written notice prior to ending a Direct Payment).

29.41. Direct Payments has been spent on anything other than meeting the assessed support needs (we will give 21 days' written notice prior to ending a Direct Payment). In these circumstances the Council will recover Direct Payments monies from the client.

29.42. The person has not complied with the terms and conditions of the Direct Payment Agreement and they have failed to rectify this within four weeks of being notified by the Council (the agreement will end with immediate effect).

29.43. The person has become unable to manage their Direct Payment. Where appropriate, we will make alternative arrangements to ensure the person continues to receive support.

29.44. The person no longer wants or is no longer eligible for Direct Payments.

29.45. For Adults with an eligible care need, there is evidence that the client contribution to the cost of care is not being paid into a Direct Payment account.

29.46. Where individuals continue to require care and support to meet their assessed need alternative support will be arranged.

29.47. Direct Payments that are ended will require an audit to be undertaken to finalise the account. This will determine if Direct Payment liabilities have been discharged and if there are any funds to be repaid to the Council.

### **Redundancy Payments**

29.48. If a Direct Payment is used to employ a personal assistant, the Direct Payment client must act as a responsible employer and make arrangements in line with employment legislation. All employees have certain rights and may be entitled to redundancy pay if they are made redundant.

29.49. The Direct Payment client must ensure that sufficient funds from the Direct Payment are retained to cover their employer responsibilities. The Direct Payment client is strongly urged to obtain their own legal advice as to their responsibilities as an employer.

29.50. The Direct Payment client will be responsible for employment costs incurred such as holiday pay, national insurance contributions, employers national insurance, pension contributions and redundancy payments if applicable. The Direct Payment client should ensure they obtain a sufficient level of insurance to cover any potential redundancy costs.

29.51. The Council reserves the right to recover excess balances (refer to section 29.54). If, however, a redundancy situation occurs then it may be appropriate for the Council to support redundancy costs where funds have previously been reclaimed. This will be reviewed on an individual basis.

29.52. It is the employers (Direct Payment client) responsibility and not the Council to ensure that all legislation is adhered to. Advice and support around costing contingencies can be offered through the Direct Payment Support Service <https://peopleplus.co.uk/independent-living-service/cheshire-east> and for children and young people please contact the Family Information Service telephone: 0300 1235033 email: [fis.east@cheshireeast.gov.uk](mailto:fis.east@cheshireeast.gov.uk) or there are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. Email [directpaymentadvisers@cheshireeast.gov.uk](mailto:directpaymentadvisers@cheshireeast.gov.uk)

## **Transport Costs**

29.53. For adults, please refer to the Adult Social Care Charging Policy.

29.54. Children's services do not fund transport or mileage costs as part of a direct payment package.

## **Reclaiming / Recovering of Direct Payment Funds**

29.55. The Council will recover Direct Payments if they have not been used for the intended purpose as agreed in their assessment of needs and identified outcomes or if they have been paid to a person excluded from receiving Direct Payments.

29.56. Where a balance remains following ending of a Direct Payments account and the discharge of all liabilities, the Council will request the repayment of the entire remaining balance. It is a responsibility of the Direct Payment client to return any funds following termination of the Direct Payment.

29.57. Where an account is terminated due to the death of a Direct Payments user, it will be the responsibility of the executors of the deceased's estate to discharge any liabilities. This may include payment of outstanding invoices, wages, tax, pensions and any other liabilities relating to the Direct Payment. The entire remaining balance must be repaid to the Council.

## **30. Using a vehicle**

30.1. If a personal assistant is providing transport to the Direct Payment client they will need to ensure that they take out appropriate insurance cover e.g. business cover. The Direct Payment Support Service will offer support and guidance, <https://peopleplus.co.uk/independent-living-service/cheshire-east> and For children and young people in the first instance please contact either the family social worker or social worker or alternatively the Family Information Service telephone 0300 1235033 email: [fis.east@cheshireeast.gov.uk](mailto:fis.east@cheshireeast.gov.uk) or there are dedicated Council employees who can assist with children and young people's Direct Payments and provide the same range of support (as noted in 17.4). These Direct Payment Advisers are based within the Family Help Service. Email: [directpaymentadvisers@cheshireeast.gov.uk](mailto:directpaymentadvisers@cheshireeast.gov.uk)

## **31. Social Care Fraud**

31.1. This type of fraud is when a person who receives social care services:

- Is dishonest about their financial status or care and support needs
- Misuses Direct Payments provided to pay their care

- Uses the Direct Payment account for money laundering
- Using money that has been claimed from the Council to pay for care for their own personal use
- Submitting false evidence that a Direct Payment is being used on care
- Being dishonest about financial circumstances or care and support needs when asking for social care funding
- Failing to notify the Council when a service user has died, and keeping their Direct Payment money
- A person abusing their position of care to take money from a vulnerable person
- Paying money into the Direct Payment account that has been gained from criminal conduct

31.2. The Council has a duty to protect the public purse and has a zero tolerance approach to fraud and corruption. Action will be taken against any attempted or actual fraudulent acts relating to Direct Payments.

31.3. Everyone has a duty to report any concerns of fraud, or misuse of Direct Payments funds, and any report of fraud against the Council will be taken seriously.

31.4. To report social care fraud contact the Council's First Point of Contact Team by telephone on 0300 123 5010 or email [eastfpoc@cheshireeast.gov.uk](mailto:eastfpoc@cheshireeast.gov.uk) or [adultcontactteamsouth@cheshireeast.gov.uk](mailto:adultcontactteamsouth@cheshireeast.gov.uk)

31.5. **Need to include children details**

## **32. The UK GDPR (General Data Protection Regulation) 2018**

32.1. To find out how the Council will store and use data about you please refer to our Adult and Health Care Privacy Notice and/or Children and Families Privacy Notice can be found at the following link:  
[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/website\\_information/privacy-notices/adult-social-care-privacy-notice.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/adult-social-care-privacy-notice.aspx)  
[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/website\\_information/privacy-notices/children-and-families-privacy-notice.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/children-and-families-privacy-notice.aspx)

### **UK GDPR for an employer**

32.2. As an employer it is important that you ensure the privacy of data is taken seriously. The UK GDPR 2018 was introduced which is a regulation on data

protection and privacy. To ensure that you are compliant with UK GDPR, Cheshire East Council recommends that you provide your employees with a record of how you will comply with data processing activities.

32.3. To ensure you comply with this you must confidentially destroy any personal information regarding employees 7 years (It doesn't have to be 7 years, personal data can be kept until it is no longer needed. It can be kept longer for things like a pending court action etc.,) after their contract comes to an end, and you should also dispose of any unsuccessful applicant's information after 12 weeks for example, application forms.

32.4. It is really important that as an employer that you have the appropriate level of employer liability insurance (please refer to section 17), your insurance provider will be able to provide you with a privacy notice statement.

### **33. Further information**

33.1 For further information on adult Direct Payments including easy read documents and factsheets please visit Cheshire East Council LiveWell website via:

[Direct Payments and Personal Assistants \(cheshireeast.gov.uk\)](https://cheshireeast.gov.uk)

33.2 For further information regarding children's direct payments please visit:

[Support for children with disabilities \(cheshireeast.gov.uk\)](https://cheshireeast.gov.uk)

[Personal Budgets for Social Care \(cheshireeast.gov.uk\)](https://cheshireeast.gov.uk)



a summary of responses  
to Cheshire East Council's

# Direct Payments Policy Consultation 2024



## Executive Summary

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### Introduction

The Direct Payment Policy Consultation was conducted to gather feedback on an updated version of the council's Direct Payments Policy, and was conducted between 21 November 2023 and 9 February 2024.

Each direct payment recipient (adult) and all of those with parental responsibilities for a child or young person in receipt of a direct payment were invited to take part in the consultation via postal letter.

In total there were 65 consultation responses, including 52 survey responses, 12 event attendees and 1 written response from the organisation Disability Positive.

### About survey respondents

69% of survey respondents were completing the survey as a carer or family member of someone who receives a Direct Payment from the council, 15% were completing the survey as someone who receives a Direct Payment from the council directly.

### Overall support for the policy

71% of survey respondents agreed the draft Direct Payments Policy for 2023 should be adopted, 13% disagreed. Reasons for agreeing the policy should be adopted included that it will:

- Improve the current situation
- Simplify the process
- Make Direct Payments more accessible
- Help ensure a smooth transition from childrens to adults
- Help carers find Personal Assistants more easily

### Strong support for various sections of the policy

Key proposed changes to the policy were outlined within the consultation material, with strong levels of support among survey respondents for these proposed changes, including:

- 80% supported the section 15 restrictions on the use of Direct Payments as described (14% opposed them)
- 73% supported the council using self-employed Personal Assistants for adult Direct Payment recipients (13% opposed this)

- 74% supported the section 19 use of pooled budgets to meet common needs and achieve better outcomes for individuals (8% opposed this)

## **Strong support for definitions in the policy**

Furthermore, large proportions of survey respondents felt various definitions within the policy were clear:

- 88% agreed with the section 17 definition of the role of Personal Assistants (6% did not agree)
- 80% thought that section 17 is clear regarding the responsibilities of being a good employer (8% did not agree)
- 90% are aware of safeguarding procedures as set out in section 27, and the requirement for a DBS check to be carried out for both children and adult direct payments (10% are not)

## **A lack of contingency plans in place**

While 58% of survey respondents have contingency plans in place to cope with emergencies as per section 20, a significant proportion of survey respondents, 42%, do not.

Those without contingency plans in place do not have them because:

- They have no family or friends who live close by to provide help or to look after their children
- It is difficult to find people to support them in emergencies
- This is something they have not considered
- They do not have enough spare money for an “emergency fund”
- They rely on the Cheshire East emergency respite team for this

## **Some opposition to the Direct Payment prepaid card**

While 46% of survey respondents supported the section 29 introduction of a prepaid card for Direct Payments, a significant proportion of survey respondents, 29%, opposed this.

Survey respondents that opposed this proposal did so for reasons including that:

- Prepaid cards should not be the default payment option, but one of a range of payment options from which the Direct Payment recipient can choose depending on what’s best for them
- Separate direct payments bank accounts work well currently and should suffice

- Prepaid cards aren't flexible enough e.g. Personal Assistants can't use them to pay their expenses
- The prepaid cards give the council too much control over spending etc
- Prepaid cards are open to abuse given there is a "lighter audit" with them

Furthermore, a significant level of concern about Prepaid Cards was expressed by Disability Positive who responded to the consultation with a formal written response – see Appendix 2 for the full response. They were very concerned that prepaid cards should not become the default option for Direct Payments, and that recipients should have a choice over how to receive their Direct Payment from a range of options. They felt the Care Act is clear that prepaid cards must not limit choices for individuals.

## **Events and other written response feedback**

Other comments raised during the events and through written and survey feedback included that:

- The policy needs to be shorter for new Direct Payment recipients, with an Easy Read or summary version of it provided to make it easier to understand
- Factsheets for different sections of the policy should be created, including for outlining Personal Assistant responsibilities, and for the section on prepaid cards
- Concern was expressed by Disability Positive about an increased use of self-employed Personal Assistants, which could lead to an increased liability risk for Direct Payment recipients. There is uncertainty about the role and employment status of Personal Assistants
- A number of specific edits to the strategy were listed from one survey respondent, and these can be found in the "Final survey comments" section of the report

## **Conclusions**

### **A significant level of engagement**

Although the number of consultation responses is relatively low as compared to other council consultations, that is not due to a lack of effort on behalf of the Commissioning and Business & Finance Teams who made significant efforts to engage with those who might be interested in the consultation. This included direct postal contact with all Direct Payment recipients, and through events put on to discuss the consultation face to face.

**Overall support**

It is positive to note that such a large proportion of respondents (71%), agreed that the policy should be adopted, with just 13% disagreeing – this highlights the effort that has been taken to ensure the policy has been updated appropriately.

There are also strong levels of support for many of the proposed sections of the policy, and strong levels of support for definitions included in the strategy.

That said, where there is opposition to these section and definitions, reasons for this opposition should be carefully examined to see if improvements can still be made to the policy – some worthy concerns have been raised throughout the consultation feedback.

**The main areas for improvement**

The two areas of the policy which might require most attention include the section on contingency plans, and the section on prepaid cards.

Both sections should be re-examined with key feedback in mind, to see if they can be improved. The section on prepaid cards may especially require attention, particularly in regards to this being the default option for Direct Payment recipients – this may not suit all recipients as a rule, and more choice may need to be presented to new Direct Payment recipients at the outset.

Any changes made to the policy as a result of the consultation should be tracked within an action plan and reported back on in a “you said, we did” format.

## Contents

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Executive Summary .....	2
Introduction .....	7
About survey respondents.....	9
Overall support for the policy.....	11
Section 15: Restrictions on the use of Direct Payments.....	13
Section 17: Personal Assistants and self-employed Personal Assistants .....	15
Section 19: Pooled Budget Direct Payments.....	18
Section 20: Emergency and contingency arrangements .....	20
Section 27: Safeguarding and DBS checks.....	22
Section 29: Finance and Monitoring – Prepaid cards .....	24
Final survey comments .....	26
Conclusions.....	28
Appendix 1 – Events feedback.....	29
Appendix 2 – Formal written responses .....	31
Appendix 3 – Survey respondent demographics.....	38

Report produced 22 February 2024 by Ben Buckley of the Research and Consultation Team, Cheshire East Council. Email [RandC@cheshireeast.gov.uk](mailto:RandC@cheshireeast.gov.uk) for further information.

## Introduction

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### Purpose of the consultation

The Direct Payment Policy Consultation was conducted to gather feedback on an updated version of the council's Direct Payments Policy.

The Direct Payments Policy applies to adults and children in receipt of a Direct Payment and provides an overview, guidance, and steps that need to be taken to manage Direct Payments for care and support needs. The policy has been written to provide a source of information for people who already have a Direct Payment or are thinking about getting one. The Adults Direct Payment Policy was first published in 2015.

The consultation was conducted between 21 November 2023 and 9 February 2024.

[A copy of the full consultation material can be viewed here \(PDF, 213KB\).](#)

### Consultation methodology

Each direct payment recipient (adult) and all of those with parental responsibilities for a child or young person in receipt of a direct payment were invited to take part in the consultation via postal letter.

The consultation was also publicised via the following:

- Council press releases and social media campaign
- 4 consultation events – See Appendix 1 for details
- Members Briefings
- Briefing to promote the consultation to all adult social care staff
- PeoplePlus – The direct payment support service publicised the consultation via their newsletter and social media channels, and attended both consultation events
- Cheshire East Carers Hub – Consultation promoted via their newsletter (all age), with the team also attending both consultation events
- Cheshire East Parent Carer Forum – Consultation promoted by the Carers Hub to the Parent Carer Forum
- Learning Disability Partnership Board / Mental Health Partnership Board – Details passed to chair of each meeting to publicise / raise awareness
- Children services representatives and an internal meeting.
  - Opportunity for young people to share their views at Jigsaw meetings (Macclesfield and Crewe)
- Healthwatch Cheshire – Publicised via website, also took part at the Direct Payment consultation events held at Macclesfield and Crewe

## **Number of consultation responses**

In total there were 65 consultation responses, including:

- 49 online survey responses
- 3 paper survey responses
- 12 event attendees
- 1 written response from an organisation

## **Reading this report**

The main sections of this report contain an analysis of the survey responses received during the consultation.

Feedback received from consultation events and via email is provided in the appendices.

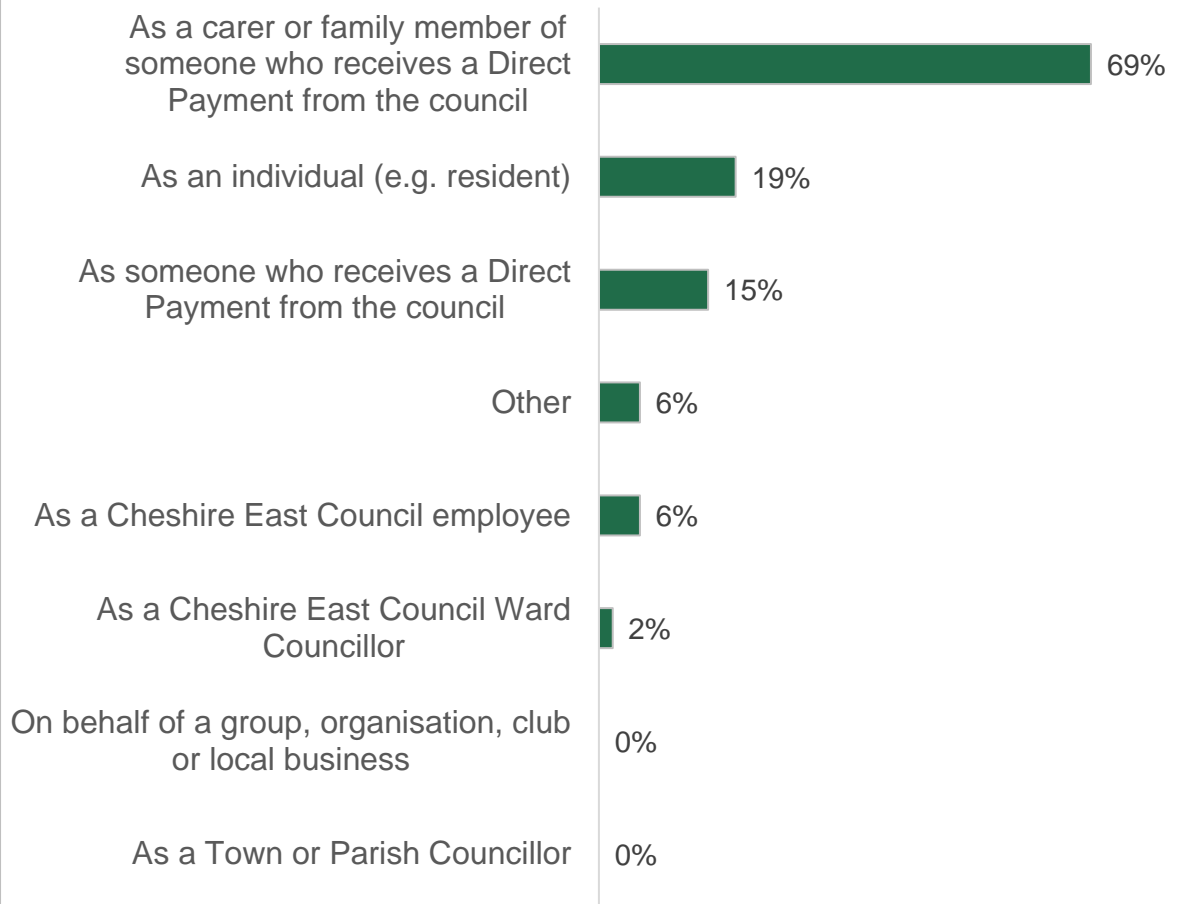


## About survey respondents

### Respondent type

69% of survey respondents were completing the survey as a carer or family member of someone who receives a Direct Payment from the council, 15% were completing the survey as someone who receives a Direct Payment from the council directly.

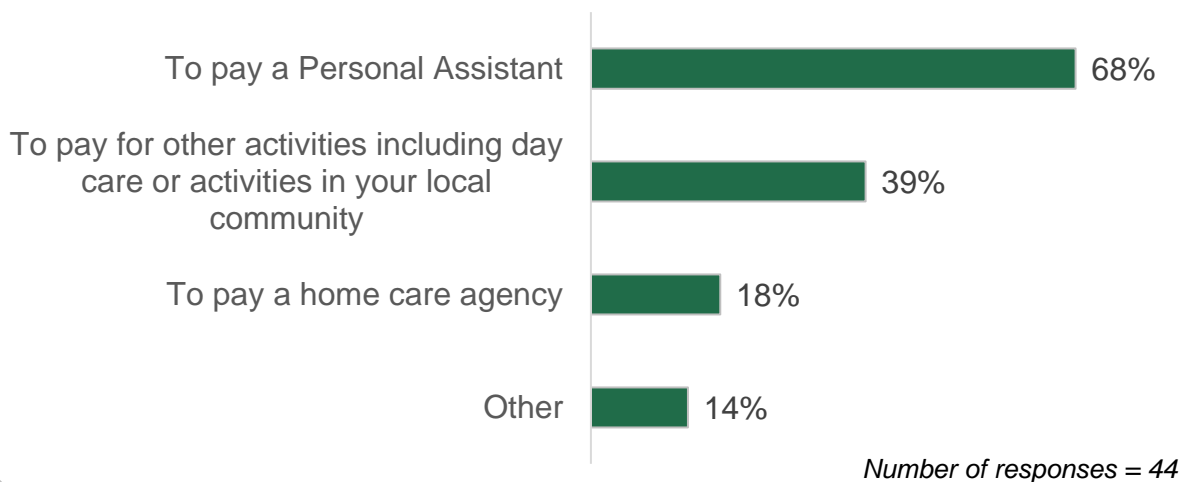
#### How are you responding to this survey?



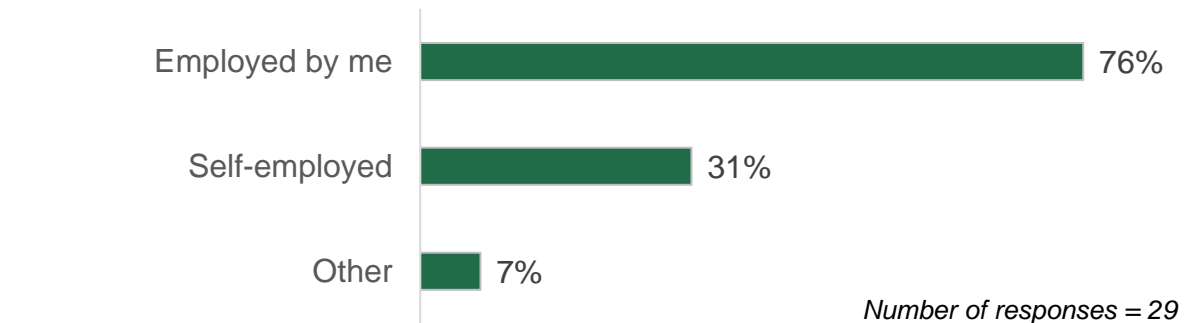
*Number of responses = 52*

### How direct payments are used

Of those survey respondents who receive a Direct Payment or who were filling in the survey for someone who does, 68% use the Direct Payment to pay a Personal Assistant, 39% use the Direct Payment to pay for other activities including day care or activities, and 18% use the Direct Payment to pay a home care agency.

**How do you, or the person you care for, use your Direct Payment?****Employment status of Personal Assistants**

Of those survey respondents who use their Direct Payment to pay a Personal Assistant, 76% employ the Personal Assistant directly, while 31% of Personal Assistants are self-employed.

**Is your Personal Assistant employed by you, or are they self-employed?**

## Overall support for the policy

71% of survey respondents agreed the draft Direct Payments Policy for 2023 should be adopted, 13% disagreed.

**How strongly do you agree or disagree that the draft Direct Payments Policy for 2023 should be adopted?**



Number of responses = 45

## Overall comments on the policy

Survey respondents were asked why they agreed or disagreed the policy should be adopted. In total, 20 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

### Comments by those that agree the draft Direct Payments Policy for 2023 should be adopted

Think the money should be for a specific cause but in some instances not sure a direct payment is cost effective. Personally it would be cheaper to pay the service than the use direct payment as always end up with an excess and appear to be paying council for a service not received

More discussion is necessary but in general these changes appear sensible. We would welcome a full discussion of how the move to prepaid card will continue to support non-card payments for essential services.

Happy that transition from childrens to adults will be smooth. This will take one worry away from parents and ensure that needs continue to be met without any disruption.

The Direct Payments policy changes help carers in finding and retaining personal assistants

Direct Payments are open to abuse and historically have been abused. All recipients of Direct Payments should be aware of their responsibilities. Those deliberately abusing should be prosecuted.

I think anything that makes direct payments more accessible for individuals is a good thing. Recipients should have the opportunity to source good and reliable care and not have to rely on often unscrupulous and unsafe care companies.

Only issue is implementation and it being implemented fairly which doesn't happen in Cheshire east and needs led and not budget led

Anything to simplify the process would be beneficial

It is an improvement on the current situation.

I am satisfied that the introduction of your Direct Payment Policy using pre-paid Payment Cards will empower all participating individual beneficiaries for becoming independent paying customers.

A good detailed policy is needed. I disagree with any monies not used in a 4 week period needs to be returned as there needs to be freedom to accrue hours for special events such as support on holiday/ family occasions that the client would not be able to access otherwise.

Really need clampdown on misuse of Direct payments especially where relatives manage money and provide care for payment which ordinarily they would be expected to do

#### **Comments by those that disagree the draft Direct Payments Policy for 2023 should be adopted**

I don't agree with some of the points, however this may just be a case of rewording some things.

Prepaid card as default is not acceptable. The policy doesn't address annual increase in hourly rate to match inflation. Increases every 7 years is not acceptable.

Coping with something else seems difficult

People should be able to pay for the basics like food and bills with this payment

Need to make the changes I've given you. Also need an agreement about frequency and policy for increasing budgets annually e.g. in-line with inflation. This is very one-sided, pro-CEC and making life difficult for people.

#### **Comments by those that neither agree nor disagree, or who don't know whether the draft Direct Payments Policy for 2023 should be adopted**

The policy is still consultation

Think I will need to go back and read again. So much information to take in.

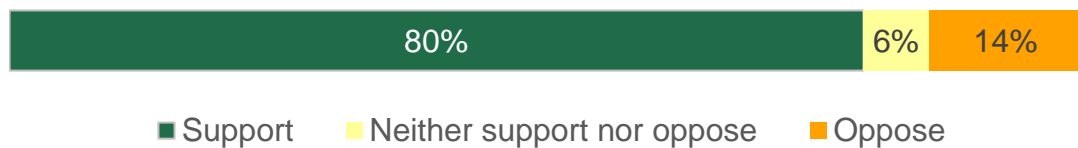
Now too tired.

## Section 15: Restrictions on the use of Direct Payments

This section set out the restrictions on the use of a Direct Payment and described what Direct Payments cannot be used for.

80% of survey respondents supported the section 15 restrictions on the use of Direct Payments as described, 14% opposed them.

**How strongly do you support or oppose the restrictions on the use of Direct Payments as described?**



*Number of responses = 49*

### Survey comments on section 15

Survey respondents were asked if they had any comments about the proposed "Section 15: Restrictions on the use of Direct Payments".

In total, 12 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

#### Comments by those that support the proposal

Agree that there should be restrictions

Travel costs with a personal assistant for authorised activities should be permitted

The Policy Document & all other related media needs to be very clearly written with explanations so everyone can understand it.

Limiting the range of payees would require managing a register of approved payees. The register could include mandatory items such as insurance and professional licenses held, however, this could have a restricting effect on willing suppliers of personal assistance (payees).

This is basically the law, (points 1 & 3) so not a policy issues that CEC can decide. Point 2 needs clarification - may not be used to fill a car with fuel because the car will be used for personal as well as work things. However, it is ok to pay PAs petrol monthly based on proper receipts / claim processes. As it stands, point 2 is unlawful.

#### Comments by those that oppose the proposal

Help with travel costs would be greatly beneficial

The fuel costs to transport my son to his therapy and educational provision as part of his ECHP provision should be covered. I have asked for a contribution but no

response. These are more frequent than just to school and back each day if he were attending a school.

Day to day travel costs that a carer of the child/adult incurs should be allowed to claim for fuel costs. The 45p rate hmrc allows is out of date and has not increased in line with the increased living costs in 2023.

Needs to be clearer guidance on exceptional circumstances as one person may be granted and another not for the same thing. Also allowances should be paid on certain circumstances for living expenses giving the cost of living rise.  
Consideration given to national shortage of pas available

It is a bit confusing and doesn't take into account people's different needs

Would have used allowance to pay PAs fuel and have cooked meals delivered

People should be able to pay for bills and food with the payment. The basics are very important and usually who have a child with disability cannot work many hours so money is always a concern

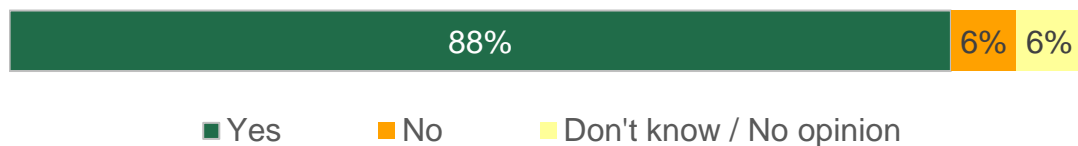
## Section 17: Personal Assistants and self-employed Personal Assistants

### Defining the role of Personal Assistants

This section described the role of a Personal Assistant as "a person employed specifically by the Direct Payment client to meet their individual identified eligible support needs".

88% of survey respondents agreed with the section 17 definition of the role of Personal Assistants, 6% did not agree.

#### Do you agree with this definition of the role of Personal Assistant?



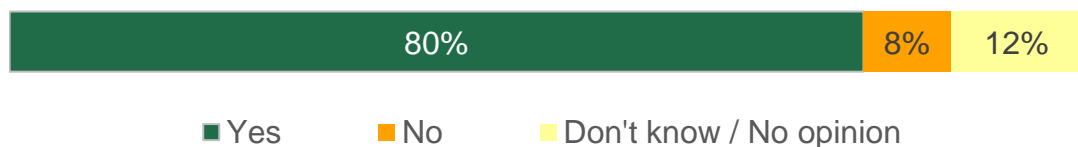
Number of responses = 49

### Personal Assistants and legal responsibilities

This section sets out the legal responsibilities for being a good employer and employing a Personal Assistant, and the "must do's" that need to be in place.

80% of survey respondents thought that section 17 is clear regarding the responsibilities of being a good employer, 8% did not agree.

#### Generally speaking, do you think that the section is clear regarding the responsibilities of being a good employer?

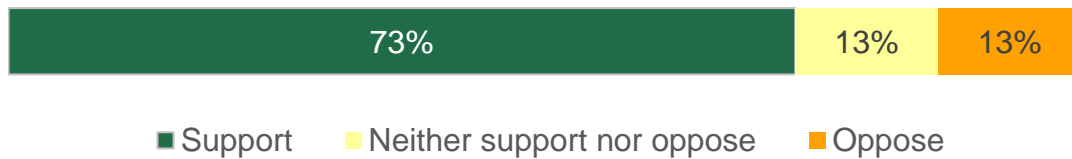


Number of responses = 49

### Self-employed Personal Assistants

73% of survey respondents supported the council using self-employed Personal Assistants for adult Direct Payment recipients, 13% opposed this.

### How strongly do you support or oppose Cheshire East Council using self-employed Personal Assistants for adult Direct Payment recipients?



Number of responses = 45

## Survey comments on section 17

Survey respondents were asked if they have any comments to make about the proposed "Section 17: Personal Assistants and self-employed Personal Assistants".

In total, 15 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

### Comments by those that support the proposal

There is a lot to employing someone and so I think the Policy should direct Policy users to other information/documents so that they can understand what it can involve.

Can't really comment on this as we don't have this service but know that other families would not be able to manage without PA support.

Happy to see self employed PA's as this has been a long standing issue in Adults especially with audit

The Policy Document & all other related media needs to be very clearly written with explanations so everyone can understand it. This section does not clarify that Direct Payments may be spent on 3rd party activities where the provider is neither self-employed or employed. For example, The St Pauls Centre, Wishing Well.

I feel that the Personal Assistant is better placed to meet the compliance responsibilities that attach to their providing a service for profit.

A requirement to have insurance could be spared with a Cheshire East Council blanket insurance policy, or minimum levels of contacting must be assured for suppliers to hold economically viable insurance cover at all times.

I'm not sure about the eligible needs part of the definition. Yes they are employed to do that but it might be necessary to also meet non-eligible needs in the process, or at least needs that aren't documented by the social worker. The definition seems unnecessarily restrictive.

Employment responsibilities (which are more onerous than the practical admin) include managing the person - how they do the job, daily duties, the relationship & boundaries within that, as well as keeping records, calculating leave, finding activities & sorting them out, planning each day/session, doing performance reviews,

The PA's I use are self employed and prefer this status as they can choose when they are available to be on the rota giving them flexibility to other work else where. I have used this method for over 10 years and to date works well.



personal assistants should not be related to the service user or even acquainted with them,

If it had been possible, I would like to have my mum's PA on a self employed basis, as she is already self employed as a carer. Cheshire East couldn't offer this at the time, so had to go down the employed route, which has been much more complicated & stressful.

Don't see why you need "specifically" it's very "system - implies PAs can't meet other needs while doing their job which is a nonsense. Employment responsibilities - Involve so much more beyond the basic legal minimum keeping records - hours worked, holiday, sickness, managing cover/rotas, right to work checks, appraisals etc.

### Comments by those that oppose the proposal

My PA has another job and so they would not appreciate having to do their own tax & national insurance

Employ a PA directly by CE on zero hour contracts so it's easier to employ people

PA should not be self employed as person (or their representative) should be dictating working terms and conditions, not person providing care.

Because unless a high enough wage to cover all the additional deductions /no holiday pay, it will not be viable to manage for these self employed carers.

I don't really agree with the term 'eligible needs' as it makes it feel as though a person's needs are only valid if the council says so, which doesn't seem fair. As for the self-employed PA aspect, personally I have had bad experience of this where a PA has falsely recorded information on their income sheet in order to get more money.

### Comments by those that don't know

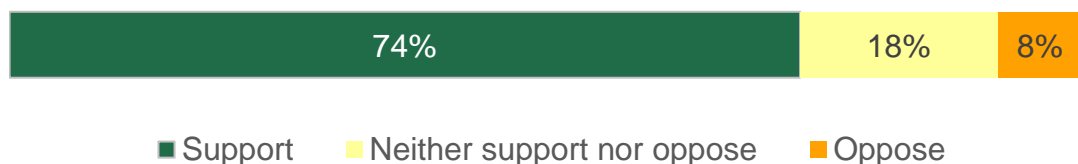
Am not able to continue employing PA due to 'paperwork' involved

## Section 19: Pooled Budget Direct Payments

This section described how individuals can join together to 'pool' their Direct Payments so that as a group they could employ a personal assistant or contract with an agency to achieve better outcomes, meet common needs, goals and aspirations for all participating individuals.

74% of survey respondents supported the section 19 use of pooled budgets to meet common needs and achieve better outcomes for individuals, 8% opposed this.

**Generally speaking, do you support or oppose the use of a pooled budget to meet common needs, and achieve better outcomes for individuals as a group of people together?**



*Number of responses = 38*

### Survey comments on section 19

Survey respondents were asked if they had any comments to make about the proposed "Section 19: Pooled Budget Direct Payments".

In total, 14 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

#### Comments by those that support the proposal

Individual cases need to be assessed

If it works for people who know each other then that's good but unlikely that in reality this would be used much as children/adults have varying needs and require a specific day/time which another one may not need.

This seems like a good option for people who may choose to do this.

Only few time will assistance requirements be compatible enough to be capable of pooling without further supervision by medically qualified person. I feel that, if such oversight is made available, then pooling would greatly increase the purchasing power collectively. It may also provide "socialising" opportunities.

policy needs to address the group use in homes where services are shared and monitor staff use of this to avoid being used in place of their staff

This has always been an option.

#### Comments by those that oppose the proposal

Becomes very messy if one or more is using DP inappropriately and DP is suspended/ended.

No. I think it should be individual

#### **Comments by those that neither support nor oppose, or who don't know**

I am not sure that I understand what circumstances would exist for pooling of resources to occur.

Can see pros and cons of this. Could be open to one recipient using their Direct Payments to contribute whilst others don't. Would need to be managed and monitored.

Don't really understand this, would need more information on how this works in reality.

This would have to be very carefully managed. Some people could end up losing out by not getting or applying for their own Direct Payment if they just use someone else's.

I would not use a pooled budget, it seems at a glance to have all kinds of issues

Cultural experiences tend to restrict the idea of 'pooling households' the idea of participating individuals seems not to reflect everyday society

## Section 20: Emergency and contingency arrangements

This section detailed that each person receiving a Direct Payment has to make arrangements or contingency plans to cope with emergencies.

58% of survey respondents have made their arrangements or have contingency plans in place to cope with emergencies as per section 20, 42% do not.

**Generally speaking, have you made arrangements or have contingency plans in place to cope with emergencies?**



*Number of responses = 45*

### Survey comments on section 20

Survey respondents were asked why they did not have contingency plans in place.

In total, 20 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

#### Comments by those that answered "yes"

Family

We are the contingency. Is hard enough to find good PAs never mind having a spare resource to call upon in an emergency. This would be a luxury.

But social care don't provide the support in direct payments to cover it

I feel that the emergencies and contingencies aspect of the service provision is to be better met by implementing a managed pooling system.

Contingencies for emergencies should also include a Council-backed payments guarantee if the payments card should fail or extraordinary care costs are incurred in the event of surprise emergencies.

this needs to go further and have mandatory emergency plan

#### Comments by those that answered "no"

I use family support in emergencies

The direct payment only applies to one specific aspect of care and this is a minor outlay.

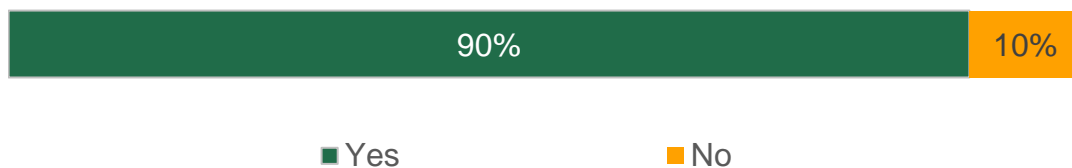
We explored several options but none were suitable as the subject's care is a mixture of personal assistant and parental care.

No suitable respite care existed when we explored options for his parental care not being available in an emergency. I believe this whole area needs to be revisited.
As employees we are not encouraged to pay a 'contingency' payment with Direct Payments, but we should be able to, to encourage flexibility and independence
It is difficult to find reliable people to support us in emergencies
Still waiting for contact from social worker and for the care package to be fulfilled
Because having a child/adult with additional needs is hard work and is the most difficult job! You don't get breaks/lunches and barely get any sleep at night. You are functioning on bare minimum and have a lot to do on no sleep.
Have not considered
Because we have no one else who would be able to look after our children and are in crisis/live here & now/ day to day
I am not in receipt of Direct Payments. Or is this a broader, more general question?
There needs to be an example here. In our case a PA not being available at some time would not be an emergency situation.
There is no much spare money on my household. The "emergency fund" is my credit card
Didn't know whether I should answer yes or no. I would rely on, & have previously used the Cheshire East emergency respite team
No family or friends live close. An emergency would be just that.

## Section 27: Safeguarding and DBS checks

90% of survey respondents are aware of safeguarding procedures as set out in section 27, and the requirement for a DBS check to be carried out for both children and adult direct payments, 10% are not.

**Generally speaking, are you aware of safeguarding procedures, and the requirement for a DBS check to be carried out for both children and adult direct payments?**



*Number of responses = 48*

### Survey comments on section 27

Survey respondents were asked if they had any comments to make about the proposed "Section 27: Safeguarding and DBS checks".

In total, 11 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

#### Comments by those that answered "yes"

A DBS is only meaningful on the day it is carried out. There should be more regular checks.

Should be document that all are aware of risks

The Policy Document & all other related media needs to be very clearly written with explanations so everyone can understand it.

All the PA's they offer their service that I pay have a DBS

Awareness of rights and responsibilities to the cared and carer. Listening to the needs and changing needs - ongoing respect

more support in how to complete a dbs for a employee is needed

#### Comments by those that answered "no"

It would be helpful if the council could provide help and support with these checks as o wouldn't know how to do it on a personal level although recognise the importance of them

I have never been told the procedure and how the short breaks team do a dbs check for there's pas

I don't under why a child needs to be DBS checked for a payment?

I am not in receipt of Direct Payments

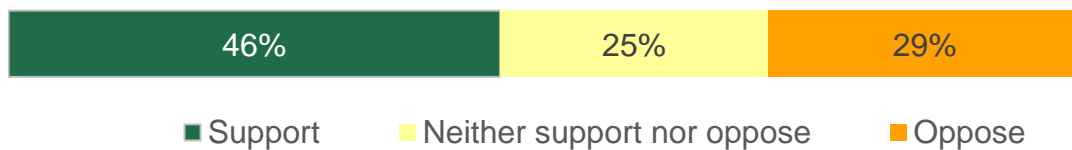
Aware of DBS process but not safeguarding procedure. What about right to work checks - no idea how to do these.

## Section 29: Finance and Monitoring – Prepaid cards

This section set out that under the new policy it will be possible to have a Direct Payment prepaid card.

46% of survey respondents supported the section 29 introduction of a prepaid card for Direct Payments, 29% opposed this.

### How strongly do you support or oppose the introduction of a Prepaid Card for Direct Payments?



Number of responses = 48

### Survey comments on section 29

Survey respondents were asked if they had any comments to make about the proposed "Section 29: Finance and Monitoring - Prepaid cards".

In total, 27 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

#### Comments by those that support the proposal

As the Direct Payments pay for regular expenses such as Personal Assistant salary, there needs to be a method for both direct transfer and for adjustments. It is not clear how the move to prepaid card supports this.

The annual audit of my mother's expenditure is something I would be glad to not have to do, as the sum paid by Cheshire East is used exclusively to finance her care with a registered and approved care organisation which is already known to Cheshire East. Therefore the move to a prepaid card would be ideal PROVIDED THEY WORK SEAMLESSLY TO PAY THE CARE PROVIDER ONLINE.

Much more flexible and appealing to people

More visible to CE ensuring any misuse can be picked up and actioned in a timely manner.

This is more flexible.

Should make process less stressful

This could be useful for some people definitely.

We pay the PA via bank transfer. Prepaid cards wouldn't work in this instance

Will this be supported by Mastercard or Visa? If not, how exactly will the card be useable



I feel that a managed pooled service could minimise any interruptions in payments and service provision (even if spend limits are set for daily or weekly budgeted spends as agreed by medical prescription).

From the brief description above, it sounds like a good idea, but would like more information before I committed to moving to a prepaid card

### Comments by those that oppose the proposal

a separate bank account should suffice

I am happy with how I manage my sons direct payments with a separate bank account, keeping accurate records of invoices and bank statements.

Present system of having a separate direct payments bank account works well

If clients are having to top up it would be easier to have it all paid from one account

This should not be the default option but a choice for people to make based on good/the right information. You should be honest about your motivations here.

Cards give CEC greater control & take it away from the DP recipient.

You need an agreed procedure for how/when/how often CEC will a) take money out of the account b) block specific or particular types of spending. A card isn't necessarily flexible enough either e.g. the PA can't use it to pay their expenses.

I have used money paid into a bank account. I use a simple accounting procedure. PA submits invoice, I bank transfer, record transaction, submit paper work for audit. This worked well for well over 10 years why are you now trying to fix what is not broken

Caring is hard enough, it's constant and tiring. It takes another form of adding up the everyday responsibility of caring

Having own account means it's easier to top up/ save hours up for holiday support and know how much is available

prepaid cards are open to abuse. receipts and documentary evidence are vital to reduce misuse of monies. More checks should be introduced to monitor this.

Your description is disingenuous. Doesn't say honestly that it gives CEC control. Need an agreed protocol about CEC accessing accounts and taking money out - Should have permission / agreement from DP recipient as they may be banking money (hours) for particular support or anticipated contingency issues. You should behave ethically by sharing the downside of prepaid cards so people can make informed decisions. There is research on this.

### Comments by those that neither support nor oppose, or who don't know

This could work on some instances but not if paying people directly into their bank account for work.

Happy with a lighter audit but not sure how payments to a service would occur

This won't affect us at the moment. May leave the system open to abuse and misuse if audits are not thorough and regular.

Don't understand how the procedure will work

Will this work like a bank account, so I can make bacs payments etc. If not how will I pay my payroll service, will I be able to see balance on card?

The Policy Document & all other related media needs to be very clearly written with explanations so everyone can understand it and so not fall foul of using the card incorrectly. I am all for it if it prevents fraud/theft.

## Final survey comments

Survey respondents were asked if they wished to comment on any other section of the draft Direct Payment Policy for 2023.

In total, 12 comments were made in response to this question, and these have been printed below verbatim. Comments have been redacted where necessary to protect the identity of respondents.

### Final comments:

I have never been given any policy in the years my son has received direct payments this policy will create clarity for people managing the budget.
The respite breaks I get enabled by the direct payments are literally life savers.
The draft policy seems very similar to the existing Direct Payments policy apart from the prepaid card proposal, so I can't see what significant difference adopting it would make to current recipients.
I think PA's should get double time for working during Christmas etc
29.7 a direct payment should not be made before a financial assessment has been completed.
As long as there isn't a reduction of available funds for this service as it is not enough as it is. With Cheshire East on the verge of bankruptcy, regardless it would be unlawful that they use this area in any way to claw back funds from vulnerable persons who are already having a difficult time.
Our main difficulty following the Agreement method of payments in advance - is that we can't predict what the payment will be due to differing hourly and weekend rates, intermittent price increases, differing month length. May help if CE remittance timing matched outgoings to care agency ie all calendar month rather than 4 x 13 per year. Also delay of several months in our audit feedback meant that recommendations were outdated and no longer relevant
The Direct Payments are very restrictive. More flexibility in their use in those things that are associated with the activities provided by a PA would be welcome. Examples are train tickets, fuel, etc. There could also be some circumstances where access to activities for the PA could be covered to ensure the entitled person has the support they need
Several of the questions seemed aimed at individuals in receipt of Direct Payments, yet were open for all to answer.
In addition to the proposed Direct Payment Policy 2023, some aspect of referencing to the medical profession could assist at times of discrepancies in the quality of assistance being required and the assistance being provided.
CEC needs to be much more flexible about use of DPs to meet needs in more flexible/creative ways. The implementation of the DP policy (assessments, reviews & audits) has been problematic and very stressful for many years and needs to change. People should be trusted more and treated with dignity and respect as equal partners in the process. Need to be clear that DPs can be used for equipment and technology.
The impact will depend on how it's implemented – the decisions made by individual social workers and panels. CEC needs to be much more flexible and deliver DPs in line with the letter and spirit of the Care Act. My experience of the

processes around this (assessment / review / audit) is consistently bad. This needs to change as you are causing people great stress.

Suggested edits:

p.11 What does "achieving consistent approaches" mean? p.20 "The carer would therefore receive a support plan" - wording is strange! Support plans are meant to be written with the person, not handed to them as a passive recipient.

p.23 "DPs are designed to be used flexibly and innovatively" - But CEC does NOT do this, so how will you implement this in practice? What changes are you going to make?

p.23 14.1 point 6 - Surely this should apply to everyone, not just young people? It's an all-age policy. All adults continue to develop these skills throughout their life.

p.24 15.1 point 6 This is allowed with permission from the LA. People need to know they can ask.

p.25 point 3 - Why can't we use DPs for tele-care charges? Is this the law, or policy? If policy, not acceptable.

p.26 Holiday DPs - Needs clarification e.g. PA accommodation - is this classed as an expense? What about food / a subsistence agreement if PA has to be away from their own home?

p.28 17.7 Training? Maternity Leave? Redundancy?

p.28 17.11 People may not be aware of PA training needs at the time the care plan is being written, or if a new PA is recruited. So need a generic statement permitting this in all care plans?

p.33 22.1 Not sure about this - needs to be in context of family carers having no statutory duty to care. So should also apply to long-term basis?

p.33 Equipment - Shouldn't only be about independence but also wellbeing (Care Act principle) - think about social stuff.

p.37 28.3 Respectful language "if a person is placed..." not a nice way to talk about people, objectifies them.

## Conclusions

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### **A significant level of engagement**

Although the number of consultation responses is relatively low as compared to other council consultations, that is not due to a lack of effort on behalf of the Commissioning and Business & Finance Teams who made significant efforts to engage with those who might be interested in the consultation. This included direct postal contact with all Direct Payment recipients, and through events put on to discuss the consultation face to face.

### **Overall support**

It is positive to note that such a large proportion of respondents (71%), agreed that the policy should be adopted, with just 13% disagreeing – this highlights the effort that has been taken to ensure the policy has been updated appropriately.

There are also strong levels of support for many of the proposed sections of the policy, and strong levels of support for definitions included in the strategy.

That said, where there is opposition to these section and definitions, reasons for this opposition should be carefully examined to see if improvements can still be made to the policy – some worthy concerns have been raised throughout the consultation feedback.

### **The main areas for improvement**

The two areas of the policy which might require most attention include the section on contingency plans, and the section on prepaid cards.

Both sections should be re-examined with key feedback in mind, to see if they can be improved. The section on prepaid cards may especially require attention, particularly in regards to this being the default option for Direct Payment recipients – this may not suit all recipients as a rule, and more choice may need to be presented to new Direct Payment recipients at the outset.

Any changes made to the policy as a result of the consultation should be tracked within an action plan and reported back on in a “you said, we did” format.

## Appendix 1 – Events feedback

### Consultation events

During the consultation 4 events took place to provide stakeholders the opportunity to share their views on the all age Direct Payment Policy.

The events were supported by Business & Finance, Commissioning, PeoplePlus (Direct Payment Support Service provider), Healthwatch Cheshire and the Carers Hub.

Event hosts were on hand to explain consultation proposals, answer queries and gather feedback, with paper consultation packs provided to attendees at both events.

In total, 12 people attended the following events:

Date	Location	Number of attendees
16 January 2024	Macclesfield Old Town Hall	5
18 January 2024	Crewe Municipal Building	4
23 & 25 January 2024	SEND Youth Forum Jigsaw meetings	3

### Event feedback

The following feedback was received from the events for each of the proposals being consulted on:

#### Section 17: Personal Assistants and self-employed Personal Assistants

- Suggested a factsheet be developed for personal assistant to provide an outline of their responsibilities

#### Section 19: Pooled Budget Direct Payments

- Suggested the use of pooled budgets was a good idea, however in practice it may be difficult to make use of
- Suggested that the local authority provides a list of activities where it may be possible to make use of pooled budgets

#### Section 20: Emergency and contingency arrangements

- Suggested that for some parents it was difficult to have contingencies in place other than family members. It would still need to be the local authority

stepping in to provide support in emergencies, in most cases the parents acted as the contingency

## **Section 29: Finance and Monitoring – Prepaid cards**

- Suggested that further explanation was required to explain that prepaid cards were not mandatory, and that a prepaid card factsheet be developed

## **General feedback**

- One attendee commented that they had read the policy and thought it was generally quite clear
- Attendees commented on their own individual Direct Payment, seeking advice and guidance from PeoplePlus and the Carers Hub

## Appendix 2 – Formal written responses

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### Response #1 – Disability Positive


#### Summary of response:

The policy needs to be shorter for new Direct Payment recipients, an Easy Read or summary version should be provided.

Section 17 – Concern that this change may lead to an increase in use of self-employed Personal Assistants, which could lead to an increased liability risk for Direct Payment recipients. The employment status of Personal Assistants is something that is still poorly understood and open to change if and when employment case law changes. There is still uncertainty about the role and employment status of Personal Assistants.

Section 29 – Concern about prepaid cards becoming the default option for Direct Payments, strongly opposed to this. Direct Payment recipients should have a choice over whether to use a prepaid card or not. There shouldn't be a default option, people should be able to choose the option that best suits them, including traditional direct payment, or the use of a 3rd party to manage payment. The options available must be made clear to new Direct Payment recipients. The Care Act is clear that prepaid cards do not limit choices for individuals. Communication about pre-paid cards, must be made available in accessible formats. Also have concerns about pre-payment cards and their implications for sensitive and personal data about recipients. Prepaid cards should not be the default option - this is important. Prepaid cards also assume recipient have access to the internet, when many do not.

**Full response:**



**Cheshire East Direct Payments Policy Consultation**

**Consultation response by Disability Positive**

**About us**

We are Disability Positive.

We are a charity based in Cheshire and work mostly in the North West of England. We provide services, opportunities and a voice to people living with disability or long-term health conditions and their families.

We have services to help people with everyday life, being part of their local community and looking after their own wellbeing. We can offer advice, help with practical tasks and advocate for people in lots of different situations. We listen and share people's experiences to influence positive change in government policy.

We know it matters, because we live with disability and long-term health conditions too.

**Definitions**

In line with the Convention on the Rights of Disabled People (CRPD) definition, Disability Positive is a representative organisation of disabled people: 100% of our members are disabled people and we are majority led, directed, governed and staffed by disabled people <sup>1</sup>

Within this response we use the words 'disabled people', 'we', 'us' and 'our' to mean disabled people facing disabling societal barriers due to their impairments or conditions and this includes physical impairments, mental ill health, hearing impairments (including D/deaf people with BSL as first language), visual impairments, learning disability/difficulty, neurodiverse people, and those with chronic illness or fatigue.

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<sup>1</sup> UNCRDP, general comments 7 (2018). Retrieved from [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en)

pg. 1



**Response**

With regards to the draft policy, we are unsure if this is going to be something that is used just for Cheshire East staff and other professionals, or if this is something that is intended to be given to Direct Payments recipients when they start receiving a Direct Payment. If it is the latter, at 47 pages it is a complicated and lengthy document and the Council would need to ensure that this is also produced in accessible formats such as an East Read version or a summary document.

**Section 15 – Restrictions on the use of Direct Payments**

This section now offers clarity on a few things such as what is meant by permanent residential care (effectively anything over 4 consecutive weeks), when a self-employed Personal Assistant can be used by a Direct Payment recipient and that proof will be required to be evidenced when this is the case. This should mean things are clearer for recipients and can be used as a point of reference for them.

Within that, it should also be made clear at the outset to people what they can and can't use their Direct Payment for (based on care assessments and individual circumstances).

**Section 17 – Personal Assistants and self-employed Personal Assistants**

This section now offers more information on people using a self-employed Personal Assistant and makes them aware of what is involved and what their responsibilities are.

However, the consultation question is ambiguous in that it asks 'How strongly do you support or oppose Cheshire East Council using self-employed Personal Assistants for adult Direct Payment recipients?' It is important to remember that Cheshire East Council wouldn't be using self-employed Personal Assistants, it would be the Direct Payment recipient (and by suggesting the Council uses them could leave the Council open to being seen as an employer of a Personal Assistant at a later date). As such, any responsibility that comes with this is with the recipient. Although the Guidance does talk about the fact that proof will need to be shown that employment status has been checked, in reality, the role of a Personal Assistant will generally be seen as an Employer/Employee relationship. It is concerning that this change to the policy may lead to an expansion in the use of self-employed Personal Assistants which if not considered with due care and attention will in reality lead to a potential increased liability risk for Direct Payments recipients, if at a later date an Employment Tribunal were to rule that a Personal Assistant should have been classed as an employee and entitled to holiday pay etc. Although it's possible that Personal Assistants may be self-employed in rare circumstances, the employment status of Personal Assistants is something that is still poorly

understood and is very much open to change if and when employment case law changes.

The question on section 17 is also contradictory. It asks:

*This section describes the role of a Personal Assistant as "a person employed specifically by the Direct Payment client to meet their individual identified eligible support needs".*

*Do you agree with this definition of the role of Personal Assistant?*

*Tick one box only*

- Yes
- No
- Don't know / No opinion

This clearly states that a Personal Assistant is a person employed specifically by the Direct Payment client, however, it then subsequently talks about self-employed Personal Assistants. It is this uncertainty about the role of a Personal Assistant and the employment status of the person that does the work that still leads us to believe that self-employed Personal Assistants are a very rare occurrence and it should always be assumed a Personal Assistant is employed by the Direct Payment recipient.

#### Section 19 – Pooled Budget Direct Payments

We welcome the addition of information regarding pooled budgets as this is something that increasingly can be an option for Direct Payment recipients and it may meet their outcomes in a more suitable way, especially if, for example it was 2 people sharing accommodation and using the same Personal Assistants.

#### Section 20 – Emergency and Contingency arrangements

This section is useful as it now explains the importance of having contingency plans in place, although it may be worth the Council making the guidance stronger on this aspect to advise people that they will need to be satisfied that a satisfactory contingency plan is in place as part of the setting up of a Direct Payment.

#### Section 27 – Safeguarding and DBS checks

This section now gives clearer guidance to people about Safeguarding and DBS checks.

#### Section 29 – Finance and Monitoring – Prepaid cards

The council states that this will now be the default option for Direct



Payments. This is something we have concerns about and we would strongly oppose a move to this being a default position.

Whilst we recognise that there are some benefits of using prepaid cards to Cheshire East Council in terms financial monitoring, auditing and payments, it is important that Direct Payment recipients have a **choice** over whether to use one and can understand the implications of doing so. People should still have a range of options on how to receive a Direct Payment with no option being a 'default' option – it is crucial that a person chooses the option that best suits them.

Payment cards should be an active choice made by the person from a range of meaningful options, including a traditional direct payment paid into an account managed by the person or their representative, or the use of a 3<sup>rd</sup> party who manages an account on a persons behalf. It must be made clear to the person what their options are and what the implications of taking a card are.

The Care Act is also quite clear that options such as pre-paid cards in regards to Direct Payments does not limit the choice for individuals:

*'Local authorities should aim to develop a range of means to enable anyone to make good use of direct payments and where people choose other options, should ensure local practice that maximises choice and control (for example use of Individual Service Funds). Local authorities should also take care not to inadvertently limit options and choices. For example 'pre-paid cards' can be a good option for some people using direct payments, but must not be used to constrain choice or be only available for use with a restricted list of providers.'* **Care Act guidance 11.35**

A direct payment is intended under the Care Act 2014 to offer a person more choice and control over their own care and support. If pre-payment cards are implemented poorly, there is a significant risk that they could disrupt rather than support the intention of the Care Act 2014.

When offered as a default option for Direct Payments, this can lead to a risk of loss of choice and control for a person over their care and support, and limit the choices of how they want to administer it. People should be offered a choice over how they want to receive a Direct Payments (within the limits of what is legal).

Any communication about pre-payment cards must be available in accessible formats in line with the public sector equality duty. This is a highly complex matter to explain, and a person cannot exercise their right to choice and control (in line with statutory guidance) if they do not understand what they are being told.

The information held on the accounts is sensitive personal data. The process for accessing and monitoring of accounts must be open and transparent. Access and monitoring of accounts cannot be unrestricted and must be done in a way that respects the person's dignity. Monitoring should be limited and proportionate with the budget holder being notified in advance each time access is to be made to the account. A record should be placed on the account indicating they have been accessed. It also needs to be made clear to people if any information regarding them and their account is shared with 3<sup>rd</sup> parties (e.g. Support services, organisations that operate the pre-paid account).

We also have serious concerns about the general principle of pre-payment cards and their implications for sensitive personal data about direct payment recipients. Therefore, to comply with Data Protection legislation, full notice should be given to cardholders setting out what information is held on the account, who has access to it and how long it will be stored for.

Cheshire East has previously looked at using pre-paid cards as a 'default' option. There were concerns highlighted at the time, particularly around personalisation of care and it not being a choice that people made and the understanding Direct Payment recipients had of how they worked. In order to not replicate the same issues and concerns, this is why it is important that the Council doesn't have pre-paid cards as a 'default' option and it should only ever be part of a suite of options that people can choose from to best suit their own personal needs and outcomes.

We are also concerned that within the policy there is very little mention of the option of a person choosing to have a managed or supported account, where a third party holds the money on their behalf. On previous policy documents, there was a section on managed accounts as an option, however, this is no longer within the policy document. As above, this should still be offered to people as part of the range of options when they choose how they want to receive a Direct Payment. In addition, if it is felt that a managed account is the most suitable option, this should be recognised and allowed as part of the legitimate expenditure related to the Direct Payment.

It is also important to remember that the use of pre-paid cards makes an assumption that a person has access to the internet and is able to use computers. In a time of a cost of living crisis, many disabled people are still digitally excluded or are unable to afford Broadband/Data Packages. Therefore it is important that people are still able to operate their Direct Payment without having to use computers or access the internet.

Also within section 29, 29.17 talks about Personal Top Up. Although the policy states that:



*'If however, the individual wishes to commission a service that is more expensive than the Direct Payment, the council is satisfied that the amount of Direct Payment is sufficient to meet their assessed needs'*

It is vital to understand that assessed needs may necessitate a more expensive cost (e.g. the employing of Personal Assistants with specialist skills relating to assisting a person communicating who are as such on a higher rate of pay than non-specialist staff). The assumption should always be that a budget is based on assessed care needs rather than based on a 'flat rate' of payment.

Further to this, also in section 29, there is mention of redundancy payments. It is important to understand that a Direct Payment recipient receives independent advice on managing their budget and understands the need to look at factoring in any future redundancy liabilities when managing their budget. When a person is only allowed a contingency fund of 4 weeks worth of money, any surplus claimed back by the Council may include money that was being saved towards possible redundancy and it is important to recognise that this may be required at a later date – as is outlined in section 29.50. However, the Council shouldn't assume (as in section 29.49) that a person has insurance at a level to cover redundancy payments, this isn't done as a matter of course by insurance companies and is very much done on a case by case basis depending on individual circumstances. 29.49 also shouldn't be taken as an assumption that redundancy costs aren't included as part of someone's budget.

**Contact:**

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## Appendix 3 – Survey respondent demographics

### Gender

81% of survey respondents were female, 19% male.

Gender	Count	Percent
Female	35	81%
Male	8	19%
<b>Total valid responses</b>	<b>43</b>	<b>100%</b>

### Age group

Survey respondent numbers by age group were as follows:

Age Group	Count	Percent
16-24	2	4%
25-34	6	13%
35-44	5	11%
45-54	11	24%
55-64	13	28%
65-74	4	9%
75-84	3	7%
85 and over	2	4%
<b>Total valid responses</b>	<b>46</b>	<b>100%</b>

### Health or disability status

Survey respondent numbers by health or disability status were as follows:

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age.	Count	Percent
Yes	18	39%
No	25	54%
Prefer not to say	3	7%
<b>Total valid responses</b>	<b>46</b>	<b>100%</b>



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**Direct Payment Policy Consultation - Frequently Asked Question****Why do Cheshire East Council want to introduce an 'all age' Direct Payment Policy?**

The Council want to make sure that people are provided with a source of information, guidance, about how to manage their Direct Payment or what they need to know before considering a Direct Payment.

The policy has been created to provide guidance and sets out the way the Council provides Direct Payments in Cheshire East. This includes adults, adult carers, and children and/or those with parental responsibility for a child on making and receiving a Direct Payment where there is an assessed need.

**Transition from children to adult services?**

When a young person reaches the age of 18 years, their community care needs will normally be met by Adult Social Care Services, although the criteria for eligibility for care and support for adults is different and it may be that more or less support is provided. The implementation of the 'all age' Direct Payment Policy provides guidance and information for those young people who are transitioning from children services to adult services.

**What is a pooled budget for Direct Payments?**

Some people who receive a Direct Payment may want to join with others to 'pool' their Direct Payment on a regular basis. This is another way in which a Direct Payment can be used to promote choice and control and to meet outcomes and join together with others to do things that they want to do as a group. This could be to employ a personal assistant or contract with an agency to achieve better outcomes, meet common needs, goals and aspirations for all participating individuals.

**Why introduce Prepaid cards?**

The introduction of a prepaid card for Direct Payment recipients in Cheshire East will provide increased choice and control. A prepaid card works like a current account from your bank. You would be able to use the prepaid card to pay for services that meet your assessed eligible social care needs. Cheshire East Council would put your Direct Payment money onto the card rather than into a separate bank account. A prepaid card is a digital solution that offers secure and immediate access to funds and balances. A prepaid card would provide instant audit and oversight and reduces the administrative burden for Direct Payment recipients.

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**Direct Payment Policy Consultation 2023 – 2024****Summary example of findings and actions to be taken**

A summary example of the key findings are detailed below, this includes the consultation question, comments received in support or opposing, with actions that will be taken.

- 1 Section 15 – restrictions on the use of a direct payment. The consultation survey asked the question ‘how strongly do you support or oppose the restrictions on the use of direct payment as described’. 80% of survey respondents supported restrictions on the use of Direct Payments as described, 14% opposed them and 6% neither support or oppose.
- 2 Comments received in support of restrictions included:
  - *Agree that there should be restrictions*
  - *Travel costs with a personal assistant authorised activities should be permitted*
- 3 Comments received opposing restrictions included:
  - *Help with travel costs would be greatly appreciated*
  - *There needs to be clearer guidance on exceptional circumstances as one person may be granted and another not for the same thing. Also allowances should be paid on certain circumstances for living expenses giving the cost of living rise. Consideration given to national shortage of PAs available*
- 4 Action to be taken, travel costs and the local transport policy will be clearly defined in the review of the adult social care charging policy. Allowances for living costs would be appropriately considered as part of an adult financial assessment and further detail on this is explained in the adult social care charging policy.
- 5 Section 17 – personal assistants and self-employed personal assistants. The consultation survey asked the question ‘do you agree with the definition of the role of a Personal Assistant, is it clear regarding the responsibilities of being a good employer, and do you support or oppose the use of self-employed personal assistants for adult Direct Payments.
- 6 88% of survey respondents agreed with the definition of a personal assistant, 6% did not agree and 6% did not know or had no opinion. 80% of respondents felt that the section was clear regarding the responsibilities of being a good employer. 73% of survey respondents

supported the council using self-employed personal assistants for adult Direct Payment recipients. 76% of respondents indicated that they employ a personal assistant directly, while 31% indicated their personal assistants are self-employed.

- 7 Comments received in support of self-employed personal assistants included:
  - *There is a lot to employing someone and so I think the Policy should direct Policy users to other information/documents so that they can understand what it can involve.*
  - *Happy to see self-employed PA's as this has been a long standing issue in Adults especially with audit*
  - *The PA's I use are self-employed and prefer this status as they can choose when they are available to be on the rota giving them flexibility to other work elsewhere. I have used this method for over 10 years and to date works well.*
- 8 Comments received opposing the use of self-employed personal assistants included:
  - *My PA has another job and so they would not appreciate having to do their own tax & national insurance*
  - *Because unless a high enough wage to cover all the additional deductions /no holiday pay, it will not be viable to manage for these self-employed carers.*
- 9 Action to be taken in support of the feedback received is a suite of supporting documentation is currently being developed that includes what is a direct payment, what is a personal assistant, and employment status - employed or self-employed status. Documents will be developed in easy read format.
- 10 Section 19 – pooled budgets Direct Payments. The consultation survey asked, 'do you support or oppose the use of a pooled budget to meet common needs and achieve better outcomes for individuals as a group of people together'. 74% of survey respondents supported the use of pooled budgets to meet common needs and achieve better outcomes for individuals, 18% neither support or oppose and 8% opposed.
- 11 Comments received in support of pooled budgets included:
  - *This seems like a good option for people who may choose to do this*
  - *If it works for people who know each other then that's good, but unlikely that in reality this would be used much as children/adults have varying needs and require specific day/time which another one may not need*

- 12 Comments received opposing the use of pooled budgets included:
- *Becomes very messy if one or more is using DP inappropriately and DP is suspended / ended*
- 13 Comments by those that neither support or oppose the use of pooled budgets included:
- *Can see pros and cons of this. Could be open to one recipient using their Direct Payments to contribute whilst other's don't. Would need to be manage and monitored.*
  - *Don't really understand this, would need more information on how this works in reality.*
- 14 Action to be taken, a pooled budget agreement will be developed clearly outline everyone's roles and responsibilities for their pooled budget arrangements. This will include clear guidance in respect of what happens if these arrangements are increased, ended or suspended. In addition, a pooled budget factsheet will be developed including easy read and will be publicised on LiveWell.
- 15 Section 20 – emergency and contingency arrangements, the purpose of asking respondents this question was as a reminder emphasising the importance that they should have emergency and contingency arrangements in place. 58% of survey respondents commented that have made their arrangements or have contingency plans in place to cope with emergencies, 42% responded that they do not.
- 16 Comments received in by respondents who answered no, included:
- *I use family support in emergencies*
  - *We explored several options but non were suitable as the subject's care is a mixture of personal assistant and parental care. No suitable respite care existed when we explored options for parental care not being available in an emergency. I believe this whole are needs to be revisited.*
  - *It is difficult to find reliable people to support us in emergencies*
  - *Still awaiting contact from social worker for care package to be fulfilled*
  - *Have not considered.*
- 17 Actions to be taken, as part of the setting up of a Direct Payment and ongoing conversations with the recipient and/or their representative emergency and contingency arrangements are discussed. This features as part of the audit and will be revisited for each recipient to ensure that they are taking appropriate action to have such plans in

place. Adult and children Direct Payment recipients can be supported by adult direct payment support service and children Short Breaks Team if support is required in this area.

- 18 Section 27 – safeguarding and DBS checks. The consultation survey asked ‘are you aware of safeguarding procedures and the requirement for a DBS check to be carried out for both children and adult Direct Payments’. 90% of survey respondents are aware of safeguarding procedures and the requirement for a DBS check to be carried out for both children and adult Direct Payments and 10% were not aware.
- 19 Comments received by those that answered ‘yes’ included:
  - *Should be document that all are aware of risks*
  - *A DBS is only meaningful on the day it is carried out. There should be more regular checks.*
- 20 Comments received by those that answered ‘no’ included:
  - *It would be helpful if the council could provide help and support with these checks as wouldn’t know ow to do it on a personal level although recognise the importance of them*
  - *I have never been told the procedure and how the short breaks team do a DBS check for their PAs*
- 21 Action to be taken, it is important that operational colleagues and support provided by the adult Direct Payment support service and children Short Breaks Team remind recipients that it is their responsibility to ensure all staff recruited are subject to regular DBS checks being completed. This will be reminded as part of the audit process.
- 22 Section 29 – finance and monitoring prepaid cards. The consultation survey asked ‘how strongly do you support or oppose the introduction of a prepaid card for Direct Payments’. 46% of respondents supported the introduction of a prepaid card, 26% neither supported or opposed and 29% opposed the use of a prepaid card.
- 23 Comments received from respondents in support of prepaid cards included:
  - *Much more flexible and appealing to people*
  - *Should make the process less stressful*
  - *As Direct Payments pay for regular expenses such as personal assistant salary, there needs to be a method for both direct transfer and for adjustments. It is not clear how the move to prepaid card supports this*

- *More visible to CE ensuring any misuse can be picked up and actions in a timely manner*
- 24 Comments received from respondents that opposed prepaid cards included:
- *A separate bank account should suffice*
  - *Present system of having separate Direct Payment bank account works well*
  - *If clients are having to top up it would be easier to have it all paid from one account*
- 25 Comments received from respondents that neither supported or opposed or didn't know included:
- *Not sure how that works*
  - *This could work on some instances but not if paying people directly into their bank account for work*
  - *Happy with lighter audit but not sure how payments to a service would occur*
  - *The policy document and all other related media needs to be very clearly written with explanations so everyone can understand it and so not fall foul of using the card incorrectly. I am all for it if it prevents fraud/theft.*
- 26 Actions to be taken, to support the implementation of prepaid cards a factsheet is being developed detailing the following - what is a prepaid card, benefits of a prepaid card, set up and use, making payments using the card, loading money on to the card (client contribution and top up) and queries about the card. Information will be provided in written format including easy read and will be publicised on LiveWell.
- 27 Overall, 9 respondents comments on the Direct Payment policy, these included:
- *I have never been given any policy in the years my son has received Direct Payments this policy will create clarity for people managing the budget*
  - *The respite breaks I get enabled by the Direct Payments are literally life savers*
  - *The draft policy seems very similar to the existing Direct Payments policy apart from the prepaid card proposal, so I can't see what significant difference adopting it would make to current recipients*
  - *29.7 a Direct Payment should not be made before a financial assessment has been completed*



- *As long as there isn't a reduction of available funds for this service as it is not enough as it is. With Cheshire East on the verge of bankruptcy, regardless it would be unlawful that they use this area in any way to claw back funds from vulnerable persons who are already having a difficult time*
- *I think PA's should get double time for working during Christmas etc.,*
- *Our main difficulty following the agreement method of payments in advance – is that we can't predict what the payment will be due to differing hourly and weekend rates, intermittent price increases, differing month length. May help if CE remittance timing matched outgoings to care agency ie all calendar month rather than 4 x 13 per year.*
- *Also delay of several months in our audit feedback meant that recommendations were outdated and no longer relevant*
- *Direct payments are very restrictive. More flexibility in their use in those things are associated with activities provided by a PA would be welcome. Examples are train tickets, fuel, etc., there could also be some circumstances where access to activities for the PA could be covered to ensure the entitled person has the support they need*

28 Individual feedback was received from the organisation Disability Positive whose expressed concerns regarding the increased use of self-employed personal assistants which could lead to an increased liability risk for direct payment recipients. The feedback that Disability Positive provided is incorporated in the consultation report.



## Equality Impact Assessment (EIA)

### Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine ‘protected characteristics’ and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

### Applying the equality duty to engagement

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as ‘hard to reach’ but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

## Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

<b>Proposal Title</b>	'All age' Direct Payment Policy
<b>Date of Assessment</b>	October 2023 / updated following consultation period March 2024
<b>Assessment Lead Officer Name</b>	Sharon Brissett / Danielle Brooks / Martyn Baggaley
<b>Directorate/Service</b>	Commissioning / Business & Finance
<b>Details of the service, service change, decommissioning of the service, strategy, function or procedure.</b>	<p>The current adult direct payment policy was introduced in February 2015. A decision was taken by adults' and Childrens' DMT to work towards introducing and implementing an 'all age' Direct Payment Policy.</p> <p>The policy provides guidance, procedures, practice, and sets out the way the Council provides Direct Payments in Cheshire East. The policy applies equally to adults with care and support needs, their carer and for those with parental responsibility for a child who has an Education, Health &amp; Care Plan (EHCP), or is eligible as a disabled child under Section 17 (Child in Need) of the Children Act 1989, and Section 2 Chronically Sick and Disabled Persons Act 1970.</p> <p>The purpose of the policy is to make clear the Council's approach to Direct Payments in Cheshire East, and the responsibilities for the Direct Payment client and/or their representative. The policy should be read in conjunction with other direct payment documentation such as factsheets and direct payment agreement. The policy will be followed by social care staff (adult and children).</p> <p>The aim of the 'all age' Direct Payment Policy is to ensure that irrespective of age that there is clear information, guidance and relevant processes in respect of Direct Payments in Cheshire East. This will also support those young people who transition from children to adult services who access a direct payment to meet their assessed need.</p> <p>Direct Payments are offered to individuals to provide greater choice and control over their care and support arrangements. A Direct Payment is a monetary payment that is paid to meet all or some of the</p>

	<p>individual's assessed needs. It is a statutory requirement for local authorities to meet a person's needs for care and support by making direct payments, provided the person requests that their needs be met in this way. The legislative framework is set out in the following legislation:</p> <ul style="list-style-type: none"> <li>• Care Act 2014</li> <li>• Care and Support (Direct Payment) Regulations 2014</li> <li>• Care and Support Statutory Guidance issued with the Care Act 2014</li> <li>• Carers and Disabled Children Act 2000</li> <li>• Section 117 (2C) of the Mental Health Act 1983</li> <li>• Children and Families Act 2014</li> <li>• Mental Capacity Act 2005</li> <li>• Special Educational Needs (Personal Budgets &amp; Direct Payments) Regulations 2014</li> <li>• Chronically Sick and Disabled Persons Act 1970</li> <li>• Children Act 1989</li> <li>• Equality Act 2010</li> </ul> <p>The legislative framework to make Direct Payments for children is covered by the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009. The regulations provide that the duty to make Direct Payments applies to:</p> <ul style="list-style-type: none"> <li>• A community care service within the meaning of Section 46 of the National Health Service and Community Care Act 1990 or</li> <li>• A service which local councils may provide under Section 17 of the Children Act 1989 and Section 2 of the Chronically Sick and Disabled Persons Act 1970 (provision of services for children in need, their families and others)</li> <li>• Statutory special educational needs and disability code of practice paragraph 3.38 incorporates the regulations from the Children and Family Act 2014 describes the right of parent and carers to request a personal budget including a Direct Payment.</li> </ul>
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<p><b>Who is Affected?</b></p>	<p>Key stakeholders include:</p> <ul style="list-style-type: none"> <li>• Individuals who choose to access their personal budget as a Direct Payment to meet their eligible care and support needs. This may be an adult, carer, nominated person and those with parental responsibility for a child who has and EHCP, or is eligible as a disabled child under Section 17 (Child in Need) of the Children Act 1989, and Section 2 Chronically Sick and Disabled Persons Act 1970.</li> <li>• Cheshire East Residents</li> <li>• Council staff – particularly within Adult Social Care and Children and Families, Short Breaks Team, Business &amp; Finance (including audit)</li> <li>• Direct Payment Support Service commissioned by Cheshire East Council currently provided by PeoplePlus</li> <li>• Elected Members</li> </ul> <p>The ‘All age’ Direct Payment Policy sets out the way in which Direct Payments are provided for adults and children in Cheshire East.</p> <p>Staff will be required to support the consultation there will be representation from commissioning, business and finance, adults, and children and families social care. Following the period of consultation residents will be kept fully informed of any changes resulting from the consultation in readiness for implementation.</p> <p>There may be future impacts upon those within the protected groups who may need further support to understand the policy. If this is required staff will provide additional support to aid their understanding. To note, some individuals may have a ‘responsible person’ such as:</p> <ul style="list-style-type: none"> <li>• Authorised person – if someone has been found as lacking the capacity to consent, a Direct Payment can be made if there is someone who is willing and able to fulfil the role of an ‘authorised person’</li> <li>• Nominated person – is someone an adult with capacity has chosen to help with ongoing management of money or receive and manage the Direct Payment on behalf of the person</li> <li>• Suitable person – who has been legally nominated as being suitable to receive a Direct Payment to purchase services for someone who has been determined as lacking the capacity to consent or who does not manage it themselves.</li> </ul>
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<b>Links and impact on other services, strategies, functions or procedures.</b>	<p>The 'all age' Direct Payment Policy is a key conduit to the Direct Payment workstream that is being undertaken in Cheshire East. This includes for example self-employed Personal Assistants, introduction of prepaid cards, personal assistant recruitment campaign and the opportunity to pool budgets.</p> <p>The 'all age' Direct Payment Policy aligns with the priority within the Council's Corporate Plan 2021 – 2025 of 'a council which empowers and cares about people'. This includes the sub priorities of 'work together with residents and partners to support people and communities to be strong and resilient' and 'reducing the reliance on long term care by improving services closer to home'. Aspects of these approaches will help to meet a key aim of the Council's Digital Inclusion Plan 2023 -2026 'to improve health, wellbeing and inclusion'.</p>

<p><b>How does the service, service change, strategy, function or procedure help the Council meet the requirements of the <a href="#">Public Sector Equality Duty</a>?</b></p>	<p>The 'all age' Direct Payment Policy does not discriminate and applies equally to adults with care and support needs, their carer and for those with parental responsibility for a child who has an Education, Health &amp; Care Plan (EHCP), or is eligible as a disabled child under Section 17 (Child in Need) of the Children Act 1989, and Section 2 Chronically Sick and Disabled Persons Act 1970.</p> <p>All residents including those who share one or more protected characteristics will be supported throughout the consultation process and the implementation of the policy.</p>
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## Section 2- Information – What do you know?

What do you know?	What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?
<p><b>Information you used</b></p>	<p>The development of the 'all age' Direct Payment Policy has been overseen by the Direct Payment Policy Project Group. This group had representation from key stakeholders from adult social care, children social care, business and finance, commissioning, legal services (adults and children's) and direct payment support service currently provided by PeoplePlus.</p> <p>The policy has been informed by what we know locally, and provides guidance, practice and processes and clearly sets out the responsibilities for people accessing a Direct Payment, irrespective of age to meet their eligible assessed support needs.</p> <p>Data available has been accessed to identify the number of adults, carers and children who are accessing a Direct Payment in Cheshire East.</p> <p><b>Age</b> <b>Adult</b></p> <p>There are currently a total of 531 adults accessing a Direct Payment, the age breakdown is as follows:</p> <p><u>Aged 18 to 24 years</u></p> <ul style="list-style-type: none"> <li>• 105</li> </ul>

Aged 25 to 64 years

- 310

Aged 65+ years

- 116

**Adult primary support reasons:  
(531 adults)**

- Learning Disability Support – 212
- Mental Health Support – 42
- Physical Support - Access and Mobility Only – 12
- Physical Support - Personal Care Support – 139
- Sensory Support - Support for Dual Impairment – 3
- Sensory Support - Support for Hearing Impairment – 3
- Sensory Support - Support for Visual Impairment – 10
- Social Support - Support for Social Isolation / Other – 30
- Social Support - Support to Carer – 38
- Support with Memory and Cognition - 37

**Children aged between 0 – 17 years**

Age 0 – 15 years

- 105

Age 16 to 17 years

- 25



<b>Gaps in your Information</b>	<i>Following the consultation on the draft policy, the council will capture the number of service users taking up new direct payments going forward.</i>
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### 3. What did people tell you?

<b>What did people tell you</b>	<b>What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?</b>
<b>Details and dates of the consultation/s and/or engagement activities</b>	<p>The development of the draft policy has been informed through engagement with key stakeholders including adults and children social care, the Executive Director for Adults, Health and Integration, business, finance and legal, internal audit and the commissioned direct payment support service (PeoplePlus). They have provided expert guidance and feedback on all sections of the revised draft policy.</p> <p>A period of pre-consultation also took place, between July - Sept 2023, with service users currently in receipt of a Direct Payment. A total of 15 one-to-one telephone interviews were conducted with current recipients to hear their lived experiences of using a direct payment and to understand what works well and where improvements could be made. These recipients were identified by social care operational staff. There were a range of service users (and their carers) with physical disabilities, learning disabilities, dementia and frailty, although circumstances were unique to each individual. Feedback from this engagement has informed the development of the draft policy and improvements to current processes to enhance the experience and use of Direct Payments.</p> <p>Comments received during feedback gathered highlighted that an all age policy would provide clarity for all ages in one document and ensure a consistent approach across all ages. We also noted that easy read versions of policy and other documentation would be developed.</p> <p>We will continue to work collaboratively with people with lived experience, their families and carers, our partners and stakeholders to shape, design and produce new ways of working.</p>

*A further period of public consultation on the final draft policy was undertaken over a 12-week public consultation period between 21<sup>st</sup> November 2023 and 9<sup>th</sup> February 2024 to obtain the views of Cheshire East residents in receipt of a direct payment and/or those with parental responsibility, to help inform the draft policy.*

*The following key areas of the policy were identified for consultation:*

- *Section 15 – Restrictions on the use of a direct payment.*
- *Section 17 – Personal Assistants and self-employed Personal Assistants.*
- *Section 19 – Pooled Budgets direct payments.*
- *Section 20 – Emergency and contingency arrangements.*
- *Section 27 – Safeguarding and DBS checks.*
- *Section 29 – Finance and monitoring prepaid cards.*

*Not all sections of the policy required consultation, for example, legislation and governance processes were out of scope.*

*A consultation and engagement plan was developed in collaboration with adult and children's services to identify the target audience, key stakeholders, and wider participants to consult with on the 'all age' direct payment policy along with a frequently asked questions document, and survey in relation to the summary document.*

*Consultation and engagement included the following activities:*

- *A postal letter was sent to all current direct payment recipients (529 adults and 131 children) and/or those with parental responsibility for a child/young person in receipt of a direct payment, detailing how they could take part in the consultation and share their views.*
- *A survey was developed with questions to gather feedback on the draft all age Direct Payment Policy. The survey provided respondents with the opportunity to comment on each section (as noted above), provide overall feedback on the policy and/or to provide additional comments.*

- *A dedicated online consultation webpage was developed to host the consultation material, including details of the two public facing consultation events taking place.*
- *Details of the consultation were made available at each of the libraries in Cheshire East*
- *Residents could either complete the survey by returning a paper copy or by completing online*
- *Two public facing consultation events were held in accessible buildings in Macclesfield (16<sup>th</sup> January) and Crewe (18<sup>th</sup> January) to explain the consultation proposals, answer queries, and gather feedback, with paper consultation packs provided to attendees at both events. Both events were supported by the following organisations to provide information and advice to attendees: Healthwatch Cheshire East, PeoplePlus (Adult Direct Payment Support Service), Carers Hub – all age and Cheshire East Council – business and finance and commissioning representatives from the council. A total of 9 people attended the events, of which 5 attended in Macclesfield and 4 attended Crewe.*
- *Engagement opportunities took place with children/young people via SEND Youth Forum (Jigsaw) at two meetings; one held in Macclesfield and one in Crewe.*
- *The consultation opportunity was publicised with a Cheshire East Council press release and social media, and via existing networks including, an adult social care staff briefing, PeoplePlus newsletter / social media, Cheshire East Carers Hub newsletter, Cheshire East Parent Carer Forum, Learning Disability and Mental Health Partnership Boards, children services and Healthwatch Cheshire East website.*

### **Summary of Consultation Findings**

*In total there were 62 consultation responses, including 52 survey responses, 9 event attendees and 1 written response from the organisation Disability Positive.*

### **Survey findings**

*Of the 52 people who responded to the survey:*

	<ul style="list-style-type: none"> <li>• 69% of survey respondents were completing the survey as a carer or family member of someone who receives a Direct Payment from the council;</li> <li>• 15% completed the survey as some who receives a Direct Payment from the council directly.</li> </ul> <p><b>Overall support for policy</b></p> <p>Overall findings were positive, 71% of survey respondents agreed the draft Direct Payments Policy for 2023 should be adopted, 13% disagreed. Reasons for agreeing the policy should be adopted included that it will:</p> <ul style="list-style-type: none"> <li>• Improve the current situation</li> <li>• Simplify the process</li> <li>• Make Direct Payments more accessible</li> <li>• Help ensure a smooth transition from children's to adults</li> <li>• Help carers find Personal Assistants more easily</li> </ul> <p><b>The following sections received strong support from respondents:</b></p> <p>Key proposed changes to the policy were outlined within the consultation material, with strong levels of support among survey respondents for these proposed changes, including:</p> <ul style="list-style-type: none"> <li>• 80% supported the section 15 restrictions on the use of Direct Payments as described (14% opposed them)</li> <li>• 73% supported the council using self-employed Personal Assistants for adult Direct Payment recipients (13% opposed this)</li> <li>• 74% supported the section 19 use of pooled budgets to meet common needs and achieve better outcomes for individuals (8% opposed this)</li> <li>• 88% agreed with the section 17 definition of the role of Personal Assistants (6% did not agree)</li> <li>• 80% thought that section 17 is clear regarding the responsibilities of being a good employer (8% did not agree)</li> </ul>
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	<ul style="list-style-type: none"> <li>90% are aware of safeguarding procedures as set out in section 27, and the requirement for a DBS check to be carried out for both children and adult direct payments (10% are not)</li> </ul> <p><b>The following sections of the policy require further action/mitigation:</b></p> <p><b>A lack of contingency plans in place</b></p> <p>While 58% of survey respondents have contingency plans in place to cope with emergencies as per section 20, a significant proportion of survey respondents, 42%, do not.</p> <p><b>Implementation for Direct Payment prepaid cards</b></p> <p>While 46% of survey respondents supported the section 29 introduction of a prepaid card for Direct Payments, a significant proportion of survey respondents, 29%, opposed this.</p> <p>The two areas of the policy identified which require most attention include the section on contingency plans, and the section on prepaid cards. To support the implementation of the policy, an action plan will be developed so that there is a clear audit trail of actions to be taken in respect of survey responses.</p> <p>Specific actions to be addressed will be detailed in each of the sections. For example, in relation to Section 15 – restrictions on the use of a direct payment, travel costs will be clearly defined in the review of the adult social care charging policy. In relation to Section 17 – personal assistants and self-employed personal assistants, action in support of the feedback received will be the development of a suite of supporting documentation that includes, “what is a direct payment”, “what is a personal assistant and employment status”. Documents will be developed in easy read format.</p> <p>The ‘all age’ Direct Payment Policy will be refreshed to take account of the feedback received.</p>
Gaps in consultation	

## Appendix 5

<p><b>and engagement feedback</b></p>	<p>Draft EIA has been shared with children services colleagues the approach to consultation has been agreed to proceed with an online survey and workshops for adults and children accessing a direct payment.</p> <p>Initial online survey and then workshops within the Borough of Cheshire East, and attendance at established groups for adults such as Learning Disability Partnership Board, Mental Health Partnership Board, Carers Forum, Children and Young People groups.</p> <p><i>Direct communication and consultation (via a letter) was made with either the parent and/or those with parental responsibility in receipt of a direct payment detailing how they could take part in the consultation and share their views via the online survey.</i></p> <p><i>In addition, two meetings were held in January by the Participation Team to support the consultation with young people via the SEND Youth Forum (Jigsaw) meetings. These meetings provided an opportunity to gain the views of young people with additional needs, however, there were limitations consulting with young people due to the complexities of the topic that made it challenging. There will be ongoing conversations taking place with young people, and to note further consideration will be required particularly for some who may require the support of an advocate for those young people who are non-verbal.</i></p>
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## 4. Review of information, consultation feedback and equality analysis

Protected characteristics groups from the <a href="#">Equality Act 2010</a>	What do you know? Summary of information used to inform the proposal	What did people tell you? Summary of customer and/or staff feedback	What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
<b>Age</b>	<p>There are currently a total of 531 adults accessing a Direct Payment, the majority of which (310 people) are aged 25 to 64 years.</p> <p><i>Older people population</i></p> <p>There are 89,200 people in Cheshire East aged 65+ (2021 census). This amounts to 22% in total in comparison to the rest of the population.</p> <p>70% of CEC customers (or 4,181 as of October 2023) are older people which reflects the greater risk that support services are needed as a person ages.</p> <p>Direct payments are currently under-used by older people. Currently (Oct 2023), people aged 65 and over make up around 70% of ASC customers but only 22% of Direct Payment recipients.</p>	<p>Feedback from telephone interviews with older customers as part of the PA recruitment campaign suggests a lack of awareness of direct payments and concerns over the complexity of managing a direct payment for residents over 65.</p> <p>The feedback from the Direct Payment Policy consultation survey indicates 52% of respondents were in the 45 – 64 age categories, 28% were under 45 and 20% were 65+. Due to the small sample size, it is not possible to breakdown the survey results by age.</p> <p>Given the ability to offer choice and control that a Direct Payment offers, we need to ensure that any changes to the policy and payment arrangements do not adversely affect good take up levels for DP's for parents and carers of</p>	<p>The 'all age' Direct Payment Policy covers all ages, ensuring a clear aligned approach to delivering direct payments in Cheshire East, that will have a positive impact across all ages.</p> <p>Improvements have already been made to the Council's LiveWell pages to provide clearer information on what's involved in choosing a direct payment. This will have a positive impact on people's ability to have greater choice and control and enhance accessibility and equality.</p> <p>To support the implementation of the policy, an action plan will be developed to address the specific actions needed in respect of the survey responses and updates to the 'all age' Direct Payment Policy.</p>

## Appendix 5

	Conversely Direct Payment uptake for young people under the age of 18 who have been assessed as eligible for paid-for support from Children's Social Care is above that of our statistical comparators.	eligible under 18's, as they also offer a cost effective option for care for this group when compared to agency care.	
<b>Disability</b>	<p>67,819 people within Cheshire East have a long-term health problem or disability (2021 census).</p> <ul style="list-style-type: none"> <li>• 40% of Direct Payment recipients have a primary support need of learning disability</li> <li>• 31% have need of physical support</li> <li>• 6% social isolation/other</li> <li>• 8% mental health support</li> <li>• 7% memory and cognition</li> <li>• 7% carer</li> </ul>	<p>Key feedback from the consultation survey that's particularly pertinent to individuals with a disability:</p> <ul style="list-style-type: none"> <li>• 39% of the consultation survey respondents said they have a health problem or disability that limits their day-to-day activities. Due to the small sample size, it is not possible to breakdown the survey results by disability.</li> <li>• 74% of survey respondents agreed with the approach of pooling their Direct Payment budget with other Direct Payment recipients (with only 8% opposing this approach).</li> </ul>	<p>Changes to the Direct Payment Policy will have a significant positive impact on people with a disability, particularly people with a learning disability who currently make up the largest group of people in receipt of a direct payment.</p> <p>The benefits of the new policy for people with a disability include:</p> <ul style="list-style-type: none"> <li>• Clear and up to date guidance on all aspects of accessing and managing a Direct Payment, which will also influence changes in social care practice. These changes will ensure more people with a disability are able to access and manage a Direct Payment for their care and support.</li> <li>• The introduction of pre-paid cards within the policy offers a simpler way for DP recipients and/or their family or representative to administer the DP, provides secure more immediate access to funds</li> </ul>



## Appendix 5

			<p>and reduces the administrative burden for recipients.</p> <ul style="list-style-type: none"> <li>• The option for DP recipients to join together with other individuals to 'pool' their DPs, would enable individuals to pool resources to achieve improved outcomes, meet common needs, goals and aspirations. 74% of survey respondents supported this approach.</li> <li>• An easy read version of the new All-age Direct Payments policy/guidance will be available, which will improve accessibility of information for those who require information in a more accessible format.</li> </ul> <p>To support the implementation of the policy, an action plan will be developed to address the specific actions needed in respect of the survey responses and updates to the 'all age' Direct Payment Policy.</p>
<b>Gender reassignment</b>	Gender reassignment data is not recorded for Direct Payment clients but adult social care services are accessible	There was no specific feedback from the consultation on gender reassignment	The new policy applies to all residents across all of the protected characteristics, and therefore will have a positive impact for all

## Appendix 5

	<p>to all Cheshire East residents regardless of protected characteristics.</p> <p>Formal gender reassignment is not legal for under 18's so this would not be a factor for younger DP recipients.</p>		<p>residents including those who have undergone gender reassignment. Key changes to the policy that will have benefits for all residents accessing a Direct Payment are:</p> <ul style="list-style-type: none"> <li>• Clear and up to date guidance on all aspects of accessing and managing a Direct Payment</li> <li>• The introduction of pre-paid cards for Direct Payments</li> <li>• The opportunity to pool Direct Payment budgets</li> </ul>
<b>Pregnancy and maternity</b>	No pregnancy data recorded for Direct Payment clients but social care services are accessible to all Cheshire East residents of any age provided they have been assessed as eligible for care and support under either the Care Act (adults), Children Act 1989 and/or SEND Code of Practice 2014, or Chronically Sick & Disabled Persons Act 1970 (all ages).	There was no specific feedback from the consultation in relation to pregnancy and maternity.	The new policy applies to all residents across all of the protected characteristics, and therefore will have a positive impact for all residents who receive a Direct Payment including those who are pregnant.
<b>Race/ethnicity</b>	No impacts in respect of race/ethnicity are expected to be reported on during this consultation process as a result of the proposed policy changes.	There was no specific feedback from the consultation in relation to ethnicity.	The new policy is applicable to all residents across ethnic backgrounds, and therefore will have a positive impact for all residents regardless of ethnic background.
<b>Religion or belief</b>	Religion or belief is recorded for most residents accessing adult social care through Cheshire East Council.	There was no specific feedback from the consultation in relation to religion or belief.	The new policy is applicable to people from all religions, and therefore will have a

## Appendix 5

	<p>Religion or belief is not recorded for children</p> <p>No impacts in respect of religion/belief are expected to be reported on during this consultation process as a result of the proposed policy changes.</p>		positive impact for all residents regardless of religion or belief.
<b>Sex</b>	<p>Residents accessing Adult Social Care Direct Payments and Carers Direct Payments are:</p> <p>Male 274 Female 248 (9 not captured)</p> <p>Children Male 89 Female 41</p> <p>The changes proposed would be applied consistently to male and female residents.</p>	The Direct Payment policy survey found that the majority (81%) of respondents were female, 19% male.	The new policy will have a positive impact for all residents regardless of their sex. The changes to the Direct Payment Policy will be applied consistently regardless of sex.
<b>Sexual orientation</b>	No data recorded on sexual orientation of adult or child DP recipients, but social care services are accessible to all Cheshire East residents regardless of sexual orientation.	There was no specific feedback from the consultation in relation to sexual orientation.	The new policy applies to all residents across all of the protected characteristics and therefore will have a positive impact for all residents regardless of their sexual orientation.

<b>Marriage and civil partnership</b>	<p>No data recorded on adult DP recipients but adult social care services are accessible to all Cheshire East residents</p> <p>Under 18's would be unable to enter into marriage or civil partnerships without parental/guardian's consent and given social work assessments would determine eligibility in any case the likelihood of this being a factor for under 18's is small.</p>	There was no specific feedback from the consultation in relation to marriage and civil partnership	The new policy applies to all residents across all of the protected characteristics.

## 5. Justification, Mitigation and Actions

<b>Mitigation</b>	<b>What can you do?</b>
<p>Please provide justification for the proposal if negative impacts have been identified?</p> <p>Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?</p>	<p>Actions to mitigate any negative impacts or further enhance positive impacts</p> <p>The 'all age' Direct Payment Policy has been created to provide guidance and sets out the way the Council provides Direct Payments in Cheshire East. This includes adults, adult carers and children and /or those with parental responsibility for a child on making and receiving of Direct Payments where there is an assessed need. Overall, this will have a positive impact on residents across all protected characteristics, as the policy has been refreshed with clear and up to date guidance.</p> <p>No negative impacts have been identified, however the public consultation highlighted some additional key actions that need to be addressed. This includes:</p>

Please include details of how positive impacts could be further enhanced, if possible?

- We know from engagement with current direct payment recipients (and carers) that people often lack awareness of what a direct payment can offer and some people may need further support to understand the revised Direct Payment policy and practice. A suite of information is being developed to support the implementation of the policy, covering key sections of the policy, in plain English, such as what a direct payment is, what a personal assistant is, employment status, direct payment policy summary, information on pooled budgets. Easy-read versions are also currently being developed and will be made available when the new policy is launched. The Council has also recently refreshed the direct payment/personal assistant content on its LiveWell pages to make it easier for people to navigate the process for accessing and managing a Direct Payment.

Social Care practitioners will play a key role in supporting residents to ensure they have the right information to support them to make decisions about their care and support. People can also be referred to the Direct Payment Support Service run by PeoplePlus, for independent, specialist information, advice and support. Internal staff briefings have been circulated as part of a Personal Assistant Recruitment campaign to raise greater awareness among social workers. Additional staff training for social care teams is also being explored and will be implemented once the new policy has been finalised.

## Appendix 5

	<p>An action plan is being developed, detailing the key actions from the consultation and progress against actions will be monitored through the Direct Payments Project Group, with representation from Commissioning, Business and Finance and Social Care leads. DP recipients will receive feedback form the council in a 'You said, we did' format, to update on the actions taken following the consultation and as part of the implementation of the new policy.</p> <p><i>Link to the consultation document once published.</i></p>
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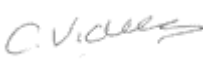
### 6. Monitoring and Review -

Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
Details of monitoring activities	<p>Monitoring activities</p> <ul style="list-style-type: none"> <li>Regular data will be reported with regard to Direct Payment recipients in Cheshire East, including support provided via Adults Direct Payment Support Service and Children Short Breaks Team</li> <li>Complaints and compliments and customer feedback forms</li> <li>Discussions with colleagues in Adult and Children Social Care operational and Commissioning Adults and Children</li> </ul>
Date and responsible officer for the review of the EIA	<p>Sharon Brissett Danielle Brooks/Lee Hudson Martyn Baggaley</p> <p>The EIA will be reviewed in January 2025.</p>

## 7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

<b>Name</b>	<b>Curtis Vickers</b>
<b>Signature</b>	13/03/2024
<b>Date</b>	

## 8. Help and Support

For support and advice please contact [EqualityandInclusion@cheshireeast.gov.uk](mailto:EqualityandInclusion@cheshireeast.gov.uk)

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## Children and Families Committee Work Programme 2024-25

Report Reference	Children & Families Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
AH/22/2023-24 & CF/18/23-24	03/06/24	Substance Misuse Service	To provide information about the proposed substance misuse service model and for a decision to re-commission the substance misuse service	Director of Commissioning	Yes	Yes	Fair	No	No
CF/01/24-25	03/06/24	Service Budgets 2024/25 (Children & Families Committee)	The purpose of this report is to set out the allocation of approved budgets for 2024/25 for services under the Committee's remit, as determined by Finance Sub Committee	Director of Finance and Customer Services	No	No	Open	Yes	No
CF/41/23-24	03/06/24	Together Strategy 4 year plan	To inform committee of the 4 year integrated strategy to deliver the together vision and achieve excellence for our children and families as described in the 2023/24 MTFS.	Executive Director of Children's Services	No	Yes	Open	Yes	No
CF/02/24-25	03/06/24	Proposal to reuse Westfields Building and Vernon Infants site for the purpose of new SEND school provisions	To present to Children and Families Committee the proposal to reuse Westfields Building and Vernon Infants site for the purpose of new SEND school provisions	Director of Education, Strong Start and Integration	Yes	TBC	Open	Yes	Yes
CF/03/24-25	03/06/24	Ofsted inspection findings	To brief committee on the findings from the Ofsted ILACS inspection conducted in February and March 2024, and the plans in place to develop services and address the findings.	Executive Director of Children's Services	N/A	No	Fair	No	No
CF/04/24-25	03/06/24	Academisation of Gainsborough Primary and Nursery School, Belgrave Road, Crewe	The report sets out the arrangements in place to support the intended academy conversion of Gainsborough Primary and Nursery School to become part of the Alexandra Academy Trust.	Director of Education, Strong Start and Integration	TBC	No	Open	No	No

## Children and Families Committee Work Programme 2024-25

Report Reference	Children & Families Committee	Title	Purpose of Report	Lead Officer	Consultation	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item
			The report provides the necessary assurances to enable the Committee to consider their support for the conversion.						
CF/05/24-25	03/06/24	Academisation of Cledford Primary School, George VI Avenue, Middlewich	This report sets out the arrangements in place to support the intended academy conversion of Cledford Primary School to become part of the Alexandra Academy Trust. The report provides the necessary assurances to enable the Committee to consider their support for the conversion.	Director of Education, Strong Start and Integration	No	No	Open	No	TBC

**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Local Authority School Governor Nomination Sub-Committee**

held on Wednesday, 14th June, 2023 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor G Hayes (Chair)

Councillors L Crane, D Edwardes, K Parkinson and R Vernon

**16 APPOINTMENT OF CHAIR**

It was moved and seconded that Cllr George Hayes be appointed as Chair.

**RESOLVED (unanimously):**

That Cllr George Hayes be appointed as Chair.

**17 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Beanland. Cllr Parkinson attended as a substitute.

**18 PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

**19 DECLARATIONS OF INTEREST**

In the interest of openness, all members declared that they knew the applicant for St Gregory's Catholic Primary School and the applicant for Ashdene Primary School as they were both fellow Councillors.

**20 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 15 February 2023 be agreed as a correct record.

**21 EXCLUSION OF THE PRESS AND PUBLIC****RESOLVED:**

That the press and public be excluded from the meeting during consideration of the following item in pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local

Government Act 1972 and the public interest would not be served in publishing this information.

## **22 LOCAL AUTHORITY NOMINATIONS TO SCHOOL GOVERNING BODIES**

The committee received the report which detailed the current Local Authority Governor vacancies within Cheshire East maintained schools and academies, in the context of vacancies at a national level, and recommended individuals for nomination to identified posts.

### **RESOLVED:**

That, having regard to the statutory guidance in making nominations, the following be approved:

#### **Nominations for Appointment**

ST GREGORY'S CATHOLIC PRIMARY SCHOOL  
John Place

ASHDENE PRIMARY SCHOOL  
Michael Gorman

#### **Nominations for Re-appointment**

ST VINCENT DE PAUL CATHOLIC PRIMARY SCHOOL  
Eve Smith

MIDDLEWICH PRIMARY SCHOOL  
Sarah Colclough

## **23 DATE OF NEXT MEETING**

The sub-committee noted the dates that were set out in the calendar of meetings and made a request that these be rescheduled to closer to the end of the school terms to allow more time for applications to be received before the meetings. It was agreed that the Democratic Services Officer would reschedule the meetings, in consultation with the Chair and Senior Governance Officer, and the committee would be informed of the revised dates.

The meeting commenced at 10:00 and concluded at 10:07

Councillor G Hayes (Chair)

## **CHESHIRE EAST COUNCIL**

### **Minutes of a meeting of the Local Authority School Governor Nomination Sub-Committee**

held on Thursday, 23rd November, 2023 in the Council Chamber - Town Hall, Macclesfield, SK10 1EA

#### **PRESENT**

Councillors M Beanland, D Edwardes, G Hayes, R Vernon and M Brooks

#### **OFFICERS IN ATTENDANCE**

Su Garbutt, Senior Governance Officer, School Governance and Liaison  
(joined remotely via Microsoft Teams)  
Karen Shuker, Democratic Services Officer

#### **24 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor L Crane. Cllr M Brooks attended as a substitute.

#### **25 PUBLIC SPEAKING/OPEN SESSION**

There were no public speakers.

#### **26 DECLARATIONS OF INTEREST**

In the interest of openness, all members declared that they knew the applicants for Westminster Primary School and Rode Heath Primary School as they were both fellow Councillors.

Cllr Hayes declared that he was well known to the applicant for Rode Heath Primary School and therefore would not take part in the vote.

#### **27 MINUTES OF PREVIOUS MEETING**

##### **RESOLVED:**

That the minutes of the meeting held on 14 June 2023 be agreed as a correct record.

#### **28 EXCLUSION OF THE PRESS AND PUBLIC**

##### **RESOLVED:**

That the press and public be excluded from the meeting during consideration of the following item in pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended on the grounds that it involved

the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing this information.

**29 LOCAL AUTHORITY NOMINATIONS TO SCHOOL GOVERNING BODIES**

The committee received the report which detailed the current Local Authority Governor vacancies within Cheshire East maintained schools and academies, in the context of vacancies at a national level, and recommended individuals for nomination to identified posts.

**RESOLVED:**

That, having regard to the statutory guidance in making nominations, the following be approved:

**Nominations for Appointment**

RUSKIN COMMUNITY HIGH SCHOOL  
John Rhodes

WESTMINSTER NURSERY SCHOOL  
Linda Buchanan

RODE HEATH PRIMARY SCHOOL  
Patrick Redstone

STYAL PRIMARY SCHOOL  
Lee Whitworth

**Nomination for Re-appointment**

ST MARY'S CATHOLIC PRIMARY SCHOOL  
David Coxon

The meeting commenced at 2.00 pm and concluded at 2.09 pm

Councillor G Hayes

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cared For Children and Care Leaver  
Committee**

held on Tuesday, 5th September, 2023 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillors L Anderson, M Beanland, C Bulman, D Clark, E Gilman, G Hayes,  
S Holland, B Puddicombe and S Adams

**OFFICERS IN ATTENDANCE**

Deborah Woodcock, Executive Director Children's Services  
Kerry Birtles, Director of Children's Social Care  
Laura Rogerson, Head of Service: Inclusion  
Samantha Walker, Head of Service: Children's Provision  
Annie Britton, Participation Lead – Youth Support Service  
Josie Lloyd, Democratic Services Officer

**ALSO PRESENT**

Dr Naomi Jayatilake, Designated Doctor for Cared for Children – NHS  
Cheshire and Merseyside

**8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Bennett-Wake, Cllr Bulman,  
Cllr Critchley, Cllr Posnett and Cllr Saunders. Cllr Adams attended as a  
substitute.

In the absence of the Chair and Vice-Chair, the committee appointed Cllr  
Anderson to chair the meeting.

**9 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**10 MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting held on 20 June 2023 be agreed as a  
correct record.

## **11 UPDATE FROM THE SHADOW COMMITTEE (VERBAL UPDATE)**

The committee received a presentation on the shadow committee, My Voice, which included an overview of the committee and highlighted some of its achievements and areas of campaigning, such as:

- Renaming the committee and the Cared for Children and Care Leavers Strategy
- Encouraging Full Council to adopt the strategy
- Co-producing the strategy and Children and Young People's Plan
- Co-Chairing and presenting at the Children's Trust Board.

The presentation included audio recordings from some of its members as a way of providing feedback from some of the young people involved.

A query was raised regarding the term 'Shadow Committee' and whether this aligns with young people's expectations, particularly following the work undertaken around re-naming the Cared for Children and Care Leavers Committee. Officers would discuss this with the young people to seek their views.

A further query was raised regarding the Shadow Committee's interactions with senior executives of Cheshire East and partners and it was suggested that it would be valuable for them to have an informal meeting with the agenda set by the young people as an opportunity to share their experiences and concerns without it being adult-led.

The committee welcomed the presentation and the use of voice recordings and suggested that it would be helpful to continue this at future meetings.

## **12 CARED FOR CHILDREN AND CARE LEAVERS COMMITTEE ANNUAL REPORT 2022-23**

The committee received the report which set out the work of the committee and progress against the Cared for Children and Care Leavers Strategy over the past year.

A query was raised regarding fixed term exclusions, which were lower in Cheshire East than those of statistical neighbours, and how that compared with figures for pupils who were not care experienced. It was noted that this information would be brought to a future committee meeting. There had been no permanent exclusions for cared for children in Cheshire East for four years.

### **RESOLVED:**

The Cared for Children and Care Leaver Committee:

1. Endorse the Cared for Children and Care Leaver Committee Annual Report 2022-23 as set out at Appendix 1.



**13 CARED FOR CHILDREN AND CARE LEAVERS SCORECARD Q1 2023-24**

The committee received the report which set out the performance for quarter 1 of 2023-24.

A concern was raised about the number of social worker vacancies which had been an ongoing issue. The committee were advised that there were continued conversations about frontline capacity. Vacancies were being filled with agency staff and there had been good conversion from agency to becoming permanent. By increasing capacity, caseloads were able to be reduced for frontline social workers which was leading to an improved and stabilised service.

A further query was raised regarding the number of dental and health checks and whether this was an issue with capacity or data recording. The committee were advised that there had been an issue with the availability of NHS dentists but there were now a number of dentists able to accept cared for children. There had also been a recording issue but this was being closely monitored.

**RESOLVED:**

That the Cared for Children and Care Leavers Committee:

1. Note the performance of children's services for quarter 1
2. provide scrutiny in relation to performance in relation to cared for children and care leavers

**14 NHS UNIVERSAL FAMILY (CARE LEAVER COVENANT) PROGRAMME**

The committee received a report on the Integrated Care Board commitment to the Care Leaver Covenant.

**RESOLVED:**

That the Cared for Children and Care Leavers Committee note the content of the paper and NHS Cheshire and Merseyside's commitment and progress in relation to the NHS Universal Family (Care Leavers Covenant) Programme.

*Cllr Bulman arrived during this item.*

The meeting commenced at 14.00 and concluded at 15.18

Councillor L Anderson

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