

**COUNTY COUNCIL
TUESDAY, 18 JULY AT 10.00 AM**

BACKGROUND TO THE PETITION 'SAVE NHS NASCOT LAWN CHILDREN'S RESPITE SERVICES'

Report of the Director of Children's Services

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Executive Member: Teresa Heritage, Children's Services

1. Purpose of report

- 1.1 To advise the County Council of the receipt of a petition entitled 'SAVE NHS Nascot Lawn Children's Respite Services' and to set out for Members the background and other relevant information of which officers are aware relating to the subject matter of the petition.

2. Summary

- 2.1 Notice of intention to present a petition concerning this matter containing 1,000 or more signatures has been received pursuant to the County Council's Petition Scheme. The petition states:-

"SAVE NHS Nascot Lawn Children's Respite Services

On Friday 16th June, Many families across Hertfordshire received the devastating news that due to NHS budget cuts funding for Nascot Lawn Children's Respite Service will be no more. Nascot Lawn will therefore close on 31st October 2017.

Nascot Lawn Respite Services provide regular overnight respite and care for children and young adults with severe learning and physical disabilities with additional complex medical needs. A day care service for children under 5 is also provided.

Nascot Lawn allows parent and carers to take a much needed break, confident in the knowledge that their child is receiving the highest standard of care by familiar staff. The staff are made up of an experienced team of qualified Learning Disability and Sick Children Nurses and trained Health Care Support Workers. The staff strive to meet all children's and young adults emotional and physical care needs along provided them with activities that they enjoy. Many of the parents and carers see the staff as an

extension of their families. Nascot Lawn is described as 'Home from Home'. It deeply saddens us that the well-loved staff face losing their jobs also.

Looking after a loved one can be enormously rewarding, but it can also be both utterly physically and mentally exhausting. Without vital breaks provided by Nascot Lawn Respite Services, carers can often reach breaking point where they can no longer continue and their own physical and mental health deteriorates as a result.

On the NHS Nascot Lawn website itself they quote "This care enables families to continue to look after children with very complex needs in their own home".

What is more vital than that?

Trust us, we understand how strained the NHS is at the moment. We have first-hand experience of this. BUT how can it be right to cut vital services from the most vulnerable of society."

- 2.2 The County Council's Petition Scheme provides that officers will prepare a Report for Members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition.

3. Procedure

- 3.1 The petition which is the subject of this report has been received in accordance with the Council's Petition Scheme (Annex 22 to the Constitution).
- 3.2 The deadline for receipt of motions from Members in respect of this Report under Standing Order 9 (3) is noon on Thursday, 13 July 2017.
- 3.3 Paragraph 54 of the Petition Scheme provides that the Petition Organiser will be given three minutes maximum to present the petition and will not otherwise be allowed to speak at the meeting. There is then a short debate by Council.
- 3.4 Paragraph 57 of the Petition Scheme states:

The Council will decide how to respond to the petition at the meeting. It may decide to take the action the petition requests or not to take the action requested for reasons put forward in the debate. Where the issue is one on which the Council Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. If the Council does not decide to deal with the petition in some other way, it will (at the discretion of the Chairman) be referred to the Overview and Scrutiny Committee, the appropriate Cabinet Panel or to officers for consideration and report to the Local Member and Group Spokesmen.

- 3.5 The subject matter of the petition relates to an Executive function and as such Council cannot make a decision on it but may make a recommendation to the Executive if it so wishes.

4 Background and Other Relevant Information

- 4.1 During 2015 a review of Overnight Short Breaks (OSB) Services was carried out under the 'Hertfordshire 0 – 25 Integrated Commissioning Strategy'. In April 2016 OSB Providers were advised, by letter, that initial findings indicated reduced demand for OSB services to meet specific social care needs; however, there has been no decline in the number of children and young people with complex health needs eligible to use overnight short break services commissioned by both the County Council and the Hertfordshire Clinical Commissioning Groups (CCGs).
- 4.2 The letter outlined further work which was required to inform future commissioning decisions. This work included consultation with children and their families, the development of a joint assessment and decision making process, an options appraisal regarding jointly commissioning OSB and the intention to co-produce the future model and the volume of OSB services to be commissioned with children, young people and their families and key partners including both CCG's, and the County Council . The letter was signed by the Council and both CCG's.
- 4.3 On 22 September 2016 a report was prepared by Herts Valleys CCG (HVCCG) and the County Council which was taken through the respective programme/management boards. The paper made the following recommendation: ***To jointly commission a fully integrated Overnight Short Breaks service model for health and social care.*** The recommendation was agreed by both programme boards.
- 4.4 On 2 February 2017, John Wood, County Council Chief Executive received a telephone call from the then Chief Accountable Officer of HVCCG, Cameron Ward. During the call Mr Ward questioned why HVCCG paid for Nascot Lawn respite provision for children and their carers. Mr Wood was advised by Council officers of the joint review and the proposal as it stood at that time. On 7 February 2017, Mr Wood advised Jenny Coles, Director of Children's Services, that he and Mr Ward had agreed that the funding of Nascot Lawn would be picked up as part of the review.
- 4.4 The County Council continued to work with the two CCGs, meeting on 28 March and 9 April. On 10 April 2017, officers received an email from HVCCG confirming actions from the meeting on 9 April. The list of action notes included the development of a single referral process, the costing of the model and further meetings scheduled for the 26 April and 11 May 2017. Due to the pending local elections, parent carers were not involved in the work at that time.
- 4.5 On 21 April 2017 the County Council received an email from HVCCG stating *"The CCG has concluded we will no longer fund respite services because*

we are not legally able to do so". The Director of Children's Services was formally notified of the decision to cease funding on 3 May 2017 in a letter from Kathryn Magson, Chief Executive Officer, HVCCG. The letter stated *"Despite our financial position, the CCG can only commission services that the relevant legislation permits it to do"*. It also included the sentence *"The CCG funding for Nascot Lawn will cease on 1 November 2017."*

- 4.6 Since receipt of HVCCG's notification of intention to cease funding officers have met with East and North Herts (E&NH) CCG, HVCCG and Hertfordshire Community NHS Trust (HCT) on an almost weekly basis.
- 4.7 The County Council recognises that it has a duty in respect of the provision of social care to deliver short breaks services and a range of such services are available across the County.
- 4.8 The responsibility for commissioning Health Services and its provision is detailed in legislation and case law as the responsibility of Health Bodies such as HVCCG. Recent legal guidance from the Council for Disabled Children sets out that CCG's are under an obligation *"to assess disabled children to see if it is necessary to meet their reasonable requirements for short breaks"*.
- 4.9 It is clear, therefore, that there is an obligation to provide respite provision on both the County Council and HVCCG depending on the identified need. The County Council maintains an ambition to proceed as had been previously agreed with the CCG to deliver an integrated service to children and young people.
- 4.10 The Council's budget for overnight short-breaks is used to fund the three units already commissioned by the Council; West Hyde in Rickmansworth; Jubilee (Peartree) in Welwyn Garden City; and the Pines in Hertford. These settings provide OSB which primarily address social care needs.
- 4.11 All parents using the Nascot Lawn service have been contacted by the Council's 0 – 25 Together Service and both CCGs have committed to undertaking joint assessments, wherever possible, during July. Families will not need to ask for a reassessment and neither will they need to repeat information that is already held by the County Council. The purpose of the assessments is to develop plans as to how the child and family will be supported going forwards. Each plan will be personalised for the individual child and their unique situation.
- 4.12 The County Council funded overnight short breaks units mentioned above are able to meet the needs of a number of children with complex health needs. To date this has been mainly for children from E&NHCCG, however this 'specialist' provision can be extended and officers are currently working with providers to consider this. A working group including the Parent Carer Forum, Hertfordshire Parent Carer Involvement (HPCI), parents who use Nascot Lawn and relevant practitioners is being established to consider how best to move forward together at this very difficult time. Officers

recognise the distress that the current situation is causing and is working hard to reassure parents wherever possible and to make joint plans for the future involving parents and both CCGs.

5. Financial Implications

- 5.1 HVCCG and E&NHCCG jointly commission HCT to deliver Nascot Lawn OSB Service. The value of the contract is £660,000. HVCCG contribute £600,000 whilst E&NHCCG contribute £60,000. Senior officers from HCT have confirmed that the contract value covers the delivery of the service including all nursing care. They note that some central functions, such as a number of senior management hours, may be enhanced by the much larger, overarching contract that HCT has with the two CCG's. This is important to note since some of the parents who attended the meetings arranged by HVCCG gained an understanding that the nursing care was delivered outside the £660,000 main contract. HCT own the Nascot Lawn building.
- 5.2 The closure of Nascot Lawn has financial implications for the Council in a number of ways. Additional, unscheduled assessments of children will require additional staffing. Extending current contracts with providers of OSB services, if this is possible, will require, as yet unquantified, additional expenditure. Increased short breaks of other kinds either for families currently using Nascot Lawn or families using other settings (to free up capacity) will also incur additional expenditure. Nascot Lawn currently delivers approximately 1400 nights of care per year.

6. Equalities

- 6.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 6.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

- 6.4 An Equalities Impact Assessment (EqIA) has been completed by HVCCG and is attached as an Appendix to this report. The County Council will work with the two CCGs to minimise any adverse impact on children and their families affected by this decision.

7. Health Scrutiny Committee – Meeting on 19 July 2017

- 7.1 The County Council's Health Scrutiny Committee will also consider a report on this matter at its meeting on 19 July 2017. The agenda and reports for this meeting can be viewed here
<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/612/Committee/12/Default.aspx>
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Background Information

Letters from HVCCG and E&NHCCG to parents

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/519/Committee/4/Default.aspx>

HVCCG letter of 3/5/17 to the County Council's Director of Children's Services

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/519/Committee/4/Default.aspx>