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# Short Breaks for Disabled Children

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<b>Committee considering report:</b>	Council on 15 September 2016
<b>Portfolio Member:</b>	Councillor Lynne Doherty
<b>Date Portfolio Member agreed report:</b>	7 September 2016
<b>Report Author:</b>	Mac Heath/David Holling
<b>Forward Plan Ref:</b>	C3173

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## 1. Purpose of the Report

- 1.1 The High Court on the 22<sup>nd</sup> July 2016 ordered that the Council's decisions relating to the reduction in funding for short breaks should be quashed. In light of the judgment the Council is asked to consider its decisions of 1<sup>st</sup> March 2016 and 31<sup>st</sup> May 2016 relating to the short breaks budgetary proposal, looking at the issues completely afresh.

## 2. Recommendation

- 2.1 The Council resolves: -
- 2.2 That having considered this Report and its appendices fully it considers the service redesign, reductions and budgetary measures proposed relating to short breaks funding are appropriate and proportionate following assessment of the statutory requirements
- 2.3 That officers robustly monitor the impact of the budgetary reduction and continue to work in close partnership with local providers of short breaks provision in West Berkshire.

## 3. Implications

- 3.1 **Financial:** As set out in the report under section 6.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** The implications are as set out at length in the report.
- 3.5 **Risk Management:** The risks associated with this Review concern both reputation and finance as highlighted in the report
- 3.6 **Property:** None
- 3.7 **Other:** None

## 4. Other options considered

- 4.1 As detailed in the report

## Executive Summary

### 5. Introduction

- 5.1 Council is asked to consider the budgetary proposal to reduce short breaks funding and balance our aims and priorities in the reduction of our services. Initially, this proposal was affirmed by full Council as part of the budgetary decision taken on 1<sup>st</sup> March 2016 (Decision 1) and reaffirmed on 31<sup>st</sup> May 2016 (Decision 2) (collectively the Decisions). The High Court on 23<sup>rd</sup> July 2016 ordered both Decisions to be quashed (the Judgment).
- 5.2 Mrs Justice Elisabeth Laing DBE in relation to Decision 1 observed that Members did not focus on the right question or at best part focussed on the relevant question relating the duty to have due regard under section 149 (1) the Equality Act 2010 (see later). Mrs Justice Laing further observed that members did not ask the right questions relating to section 149 (1) and other statutory duties (and none were set out in the text of the report) when they looked at the material assembled and presented to them.
- 5.3 In relation to Decision 2 Mrs Justice Laing found that the report addressed the flaws contained in the previous and contained all the relevant statutory text, material and analysis impact. However because the Council was not entitled to rescind Decision 1 and because the way the material was presented to Members gave the impression that they were expected simply to “rubber stamp” Decision 1, there was a “very clear appearance of predetermination”. Accordingly, it is important that on this occasion Members fully consider the proposal on short breaks funding and whether savings should be made elsewhere or reserves used, instead of reducing short breaks funding.
- 5.4 Members are reminded of West Berkshires aim to “Protect and support those who need it” and our priority is to be “Good at Safeguarding children and vulnerable adults”. However, although the budgetary reduction may adversely impact on some children with special educational needs and/or disabilities, and their family members and others who care for them, in the light of the Council’s need to appropriately balance all of its strategic aims and priorities and to fairly secure protection and support across the wide range of vulnerable people who need this, the recommendation remains to approve the proposal. Essentially because of the need to make budgetary savings, the need to protect other budgets from even greater reductions, the difficulty in raising the Council’s income higher than the maximum allowable without a referendum and the highly limited ability to access reserves for non statutory delivery of services in the light of the fact that reserves are currently at very low levels.
- 5.5 Enclosed with this report at Appendix A Supporting Information Report from the Service Manager [Juliet Penley] Her report is aimed at presenting Members with additional analysis of the likely consequences of the budgetary decision about short breaks which should be read alongside the witness statements referred to below (paragraph 5.6(2)) Although the Council is now to consider the current matter afresh Members are asked to reconsider:-
- (1) the concerns expressed in the summary of the original consultation responses (See Appendix B (documents relating to the Decision 1 including (i) the Budget Report; (ii) the Budget Consultation Report; (iii)

Budget Proposals 2016-17: Short Breaks for Disabled Children Overview of Responses and Recommendations; (iv) Summary of Feedback Received and Key Findings; (v) Verbatim Responses (vi) Equality Impact Assessments at Stage 1 and Stage 2; and (vii) minutes of the budget meeting))

- (2) The witness statements used in the Judicial Review proceedings which express the likely consequences of the loss of short breaks provision (See Appendix C) and
- (3) The equality impact assessments Stage 2 (See Appendix D).

5.6 The essential question for Members is whether the budgetary proposal is justifiable in the context of the important need to protect and promote the welfare of children with special educational needs/disabled children and notwithstanding the possible consequences for those children and their carers. As Members will appreciate, whilst “statutory needs” will continue to be met, there is likely to be considerably less provision of targeted social and leisure activities where children can mix with other children and a variety of adult support workers outside of school hours and during holidays. This may have, negative implications for the children concerned and their carers.

## 6. Service Reduction and Budgetary measures

6.1 As acknowledged by Mrs Justice Laing the Council faces a challenging financial position. One particular difficulty within Children and Family Services is that most of its revenue budget is committed to meeting “*statutory needs*” so that it had limited room for manoeuvre to identify required savings and had to look at areas of “*discretionary*” spending. Accordingly, faced with limited options, priority has been given to maintaining the Service’s level of “*statutory spending*” but to reduce its level of “*discretionary spending*”, inter alia, on short breaks provision;

- the Council has historically provided short breaks for children with “*statutory needs*” at a facility called Castle Gate and through its Disability Support Budget. Within 2016/17 the budget for Castle Gate will slightly increase from £515,690 to about £555,690 and the Disability Support Budget will remain at £436,130. This provision includes overnight care and also day care and social activities. Significant work continues to ensure the delivery from this provision addresses the areas of need in collaboration with families and partner providers;
- the Council decided to reduce its block-funding of voluntary groups that provide short breaks to children from £386,575 in 2015/16 to £163,432 for 2016/17 including transitional funding designed to promote more sustainable services that depend less on local authority financial support, partly in recognition that partners are able to access funding opportunities not currently available to Council;
- accordingly, that represents overall reduction in the Council’s short breaks budget from £1,366,820 to £1,191,820, namely £175,000 or 12.8%. Within that, the Council’s block funding of short breaks provided by voluntary organisations reduced by 42%, however:

- (i) this is just one part of the Council’s provision of short breaks;

- (ii) the reduction in block funding to organisations does not prevent that individual families entitled to statutory services from using their “*direct payments*” from the Council to purchase services from these organisations;
- (iii) and, the Council funds social care provision for individual children (including for short breaks and respite care) through their care plans, either by providing services in kind or through direct payments and there has not been any budget-driven reduction in those sums).

Overall, the Council’s spending on children’s services for 2016/17 will be £15.1M

- 6.2 In summary, there is a reduction in short breaks funding provided to local voluntary organisations from £386,575 to £163,432. Further, there is an increase in short breaks funding at Castle Gate from £515,690 to £555,690. It is considered that this will allow us to continue delivery of Short Break Services, both to meet statutory obligation and to continue some discretionary work with partners, to ensure the range of provision delivered aligns with need and ensures a sustainable service delivery going forward.
- 6.3 It is incumbent upon Councils to ensure that they have sufficient reserves to enable response to unavoidable or emergency pressures that may arise during the year. Current reserves are set close to the minimum safe level of reserves. There is not therefore the capacity within West Berkshire Council’s reserves to offset the budget reductions to non statutory delivery and sustain its approach as West Berkshire General Fund reserves are £6.3m as at 31<sup>st</sup> March 2016.

## 7. Legal considerations

*The Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011*

- 7.1 Section 17 (1) of the 1989 Act imposes on Local Authorities a general duty to safeguard and promote the welfare of children in their area who are in need by providing a range and level of services appropriate to those children’s needs. Disabled children are expressly included at section 17 (11) as being children in need.’ In discharging that duty, the Local Authority ‘shall have the specific duties and powers set out in Part I of Schedule 2 to the 1989 Act (section s17 (2))
- 7.2 Paragraph 6 of Schedule 2 to the Children Act 1989 provides as follows:-
- (1) Every local authority shall provide services designed—*
- (a) to minimise the effect on disabled children within their area of their disabilities;*
  - (b) to give such children the opportunity to lead lives which are as normal as possible; and*
  - (c) to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring.*

- 7.3 The duty to provide such services must be performed in accordance with regulations made by the Secretary of State (paragraph 6 (2)), the relevant regulations being the Breaks for Carers of Disabled Children Regulations 2011 SI NO 707 (detailed further below).
- 7.4 From this, Members can see that the Council is required to provide services that are designed to minimise the effect on children of their disabilities, that help children lead lives that are as normal as possible and that help carers continue to care for children and/or to do so more effectively by giving them breaks from caring.
- 7.5 The Council will continue to provide services designed to have the effects outlined above and the Council will continue to meet the needs of children and carers who are in the greatest need and who qualify for statutory services under the Children Act 1989 and the Chronically Sick and Disabled Persons Act 1970. The effect of the reduction in the short breaks budget will be that the Council will fund fewer services of those kinds. That will mean that children and carers with statutory needs will have less choice, which may impact on the children's ability to lead lives which are as normal as possible, whilst children and carers who do not have statutory needs will have fewer services available to them and may lose the ability to access certain services. This may impact on the provision set out in [paragraph 8], as set out above and this may result in such children or carers developing statutory care needs. The Council remains committed to meeting statutory care needs.
- 7.6 It is not possible to assess the likely impact precisely in numbers, or otherwise, but the Service Manager's report [together with the witness statements referred to above] provide the best assessment the Council is able to provide on the likely impact on children and their carers.
- 7.7 Regulation 3 of the 2011 Regulations provides as follows:

### **3. Duty to make provision**

*In performing their duty under [paragraph 6\(1\)\(c\) of Schedule 2](#) to the 1989 Act, a local authority must—*

*(a) have regard to the needs of those carers who would be unable to continue to provide care unless breaks from caring were given to them; and*

*(b) have regard to the needs of those carers who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to—*

*(i) undertake education, training or any regular leisure activity,*

*(ii) meet the needs of other children in the family more effectively, or*

*(iii) carry out day to day tasks which they must perform in order to run their household.*

- 7.8 From this, Members can see that in performing their duty to provide services designed to help carers continue to care for children and/or to do so more effectively by giving them breaks from caring, Members must have regard to (i) the needs of carers who would be unable to continue to provide care without breaks from caring and (ii) the needs of carers who would be able to care for their children

more effectively if they had breaks from caring that (a) enabled them to undertake education, training or some leisure activity, (b) that enabled them to meet the needs of other children in the family more effectively or (c) that enabled them to carry out day-to-day household tasks.

- 7.9 Carers who would be unable to continue to provide care without breaks from caring will have a statutory entitlement to respite care and the Council will meet that entitlement. However, they may prefer and may sometimes strongly prefer their children to have a wider range of breaks than will be available as a result of the Council's decision on short breaks funding. So, while statutory entitlement would continue to be met it may not always be in the family's preferred way.
- 7.10 Carers who will be able to provide care more effectively if they had breaks from caring, those carers and/or their children may or may not have a statutory entitlement to short breaks and respite care. If they have a statutory entitlement, then as a result of the Council's decision there will be a reduced choice of short breaks and respite provision and, in particular, there are likely to be fewer opportunities for their children to socialise and engage in activities involving other children. If they do not have a statutory entitlement then there will be less targeted provision available which may result in those carers providing care less effectively. This may impact on the quality of life of carers and children and it may result in "statutory needs" arising that the Council will then have to meet.
- 7.11 Regulation 4 of the 2011 Regulations provides as follows:

*4. Types of services which must be provided*

*(1) In performing their duty under [paragraph 6\(1\)\(c\) of Schedule 2 to the 1989 Act](#), a local authority must provide, so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively.*

*(2) In particular, the local authority must provide, as appropriate, a range of —*

*(a) day-time care in the homes of disabled children or elsewhere,*

*(b) overnight care in the homes of disabled children or elsewhere,*

*(c) educational or leisure activities for disabled children outside their homes, and*

*(d) services available to assist carers in the evenings, at weekends and during the school holidays.*

- 7.12 As Members will see from the Service Manager's report, no difficulty arises in relation to the provision of day-time care or overnight care which is generally provided where there are statutory needs and which is and will remain sufficient. Where the budgetary reduction will have consequences is in relation to the provision by voluntary organisations of educational or leisure activities outside children's homes and in the provision of services to assist carers in the evenings, at weekends and during the school holidays. This provision goes beyond basic care and enables disabled children/children with SEN to socialise more widely and undertake activities that other children may take for granted and that assist carers both to care more effectively and also look after other family members, have some

relief from the pressures of caring and undertake other activities. As set out above, and in the Service Manager's report, the consequences of the funding reduction are likely to include reduced choice of services, loss of access to services in some cases of families without statutory needs and in some cases statutory needs developing that will have to be met.

- 7.13 Regulation 5 of the Regulations also require an authority, before 1 October 2011, to prepare a statement for carers in their area (a 'short breaks services statement') which gives details of the range of services provided in accordance with regulation 4, eligibility criteria and how the range of services is designed to meet the needs of carers. That statement must be published, kept under review, and, where appropriate, revised (regulation 5 (2) and (3)). West Berkshire Council published such a statement in 2011, and updated it in 2014. A further updated statement will be revised and published by 16 September 2016.

## 8. Section 27 of the Children and Families Act 2014 (CFA)

- 8.1 Section 27 of the CFA 2014 is also triggered when a local authority makes a decision to review its social care provision for children with disabilities. This provides as follows:

*Duty to keep education and care provision under review*

*(1) A local authority in England must keep under review—*

*(a) the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, and*

*(b) the educational provision, training provision and social care provision made outside its area for—*

*(i) children and young people for whom it is responsible who have special educational needs, and*

*(ii) children and young people in its area who have a disability.*

*(2) The authority must consider the extent to which the provision referred to in subsection (1)(a) and (b) is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.*

*(3) In exercising its functions under this section, the authority must consult—*

*(a) children and young people in its area with special educational needs, and the parents of children in its area with special educational needs;*

*(b) children and young people in its area who have a disability, and the parents of children in its area who have a disability;*

*(c) the governing bodies of maintained schools and maintained nursery schools in its area;*

- (d) the proprietors of Academies in its area;*
  - (e) the governing bodies, proprietors or principals of post-16 institutions in its area;*
  - (f) the governing bodies of non-maintained special schools in its area;*
  - (g) the advisory boards of children's centres in its area;*
  - (h) the providers of relevant early year's education in its area;*
  - (i) the governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales that the authority thinks are or are likely to be attended by—*
    - (i) children or young people for whom it is responsible, or*
    - (ii) children or young people in its area who have a disability;*
  - (j) a youth offending team that the authority thinks has functions in relation to—*
    - (i) children or young people for whom it is responsible, or*
    - (ii) children or young people in its area who have a disability;*
  - (k) such other persons as the authority thinks appropriate.*
- (4) [Section 116B of the Local Government and Public Involvement in Health Act 2007](#) (duty to have regard to assessment of relevant needs and joint health and wellbeing strategy) applies in relation to functions exercisable under this section.*
- (5) "Children's centre" has the meaning given by [section 5A\(4\) of the Childcare Act 2006](#).*

8.2 This requires the Council to consult (which it has done) and also keep under review, whether the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability is sufficient to meet those children's educational, training and social care needs. Members will be aware, the Council will always be under a duty to meet statutory needs for education, training and social care; including where there is an assessed statutory need for education, training or social care to be met in a particular way, for example, in a social or group setting.

8.3 However, Members should also consider broadly whether, as a result of this proposal, there will be a reasonable level of short breaks provision in the Council's area to meet the wider, non-statutory needs of children with special educational needs or a disability. This may include the needs of children who (i) do not have a statutory need for short breaks provision, or (ii) whose need for short breaks provision exceeds their "statutory need" and (iii) children who need short breaks provision and who have a non-statutory need to have such provision in social or group settings.



8.4 The result of this decision if the Council chooses to agree both recommendations, will be less short breaks provision in the area, in particular of a kind that enables children to socialise with other children and a variety of adults in the ways that other children may take for granted. The Service Manager's report references what this may mean for some children and families but positive partnership work continues with other local providers to help mitigate the impact of the local authority commissioning a lesser delivery and helping support other partners working together to maximise local provision.

### **9. Section 3 of the Local Government Act 1999 and the statutory guidance issued under it**

9.1 Section 3(1) of this Act imposes a duty on a local authority to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness' together with a duty to consult for the purposes of deciding how to fulfil that duty and a duty to take into account the social value of commissioned services which in the case of short breaks services is very high. In deciding how to fulfil the duty, and in making decisions about consultation, a local authority must have regard to guidance issued by the Secretary of State. The guidance sets out clear expectations for councils which are considering a change to local voluntary or community group funding and states at Paragraph 7 that 'Authorities should seek to avoid passing on disproportionate reductions – by not passing on larger reductions to the voluntary and community sector...as a whole than they take on.' The full guidance is here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418505/Revised\\_Best\\_Value\\_Statutory\\_Guidance\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418505/Revised_Best_Value_Statutory_Guidance_final.pdf).

9.2 The Council's decision reduces funding for voluntary providers but slightly increases funding for Castle Gate. As Members will be aware, the Council should not pass on disproportionate reductions to the voluntary and community sector.

9.3 The reason why funding for Castle Gate has been slightly increased is that Castle Gate is the only short breaks provider that provides residential care, which is an essential part of the Council's ability to discharge its statutory duties. It provides very high quality care and runs efficiently and is graded as good by Ofsted. If its funding was reduced the Council might be unlikely to be able to discharge its statutory duties throughout any other facility. Castle Gate can also be used as a hub for providing a wide range of services and that is an aspect that Council officers are looking to develop.

9.4 By contrast, whilst the voluntary organisations concerned provide services of very great social value and to a high standard, their funding can be reduced without endangering the Council's ability to meet its statutory duties.

### **10. Section 11 of the Children Act 2004**

10.1 Section 11 (2) of the 2004 Act imposes a duty on local authorities to make arrangements for ensuring that in exercising any function in a way which affects a child to have regard to the need to safeguard and promote the welfare of children.

10.2 This provides as follows:

*11(2) Each person and body to whom this section applies must make arrangements for ensuring that—*

*(a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and*

*(b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.*

10.3 As a result, Members need to consider whether the proposed reduction in short breaks provision is justifiable because of the need to make budgetary savings having regard to the need to safeguard and promote the welfare of children, in particular the children who stand to be adversely affected by the proposed decision.

10.4 Members must treat the need to safeguard and promote the welfare of children as a very important and powerful consideration, although it is not absolute and can be overridden if there are even more powerful considerations, which can include the need to make budgetary savings and the need to protect other areas of children's and adult's social care provision from further savings. In particular, Members need to consider whether it is possible to use the Council's reserves, increase charges elsewhere or make even greater savings elsewhere.

## **11. Section 149 of the Equalities Act 2010**

11.1 In light of the proposed recommendation Decision Members need to carefully review and address the impact and implications. This Section provides as follows:

### **149 Public sector equality duty**

*(1) A public authority must, in the exercise of its functions, have due regard to the need to—*

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).*

*(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

*(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*

*(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*

*(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

*(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*

*(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

*(a) tackle prejudice, and*

*(b) promote understanding.*

*(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.*

*(7) The relevant protected characteristics are—*

*age;  
disability;  
gender reassignment;*

*pregnancy and maternity;*

*race;  
religion or belief;*

*sex;  
sexual orientation.*

*(8) A reference to conduct that is prohibited by or under this Act includes a reference to—*

*(a) a breach of an equality clause or rule;*

*(b) a breach of a non-discrimination rule.....*

11.2 Members are reminded of the consultation responses, the Service Manager's report [and in particular the witness statements] and the equality impact assessments referred to above.

11.3 The fundamental requirement on Members imposed by s.149 is to take reasonable steps to inquire into the issues before them and to understand the impact, or likely impact of the decision they are being asked to make on those on the protected characteristics list who are potentially affected by the decision. Here, Members are

required carefully to consider the important needs of children with special educational needs and/or disabilities and whether the short breaks proposal is justifiable given the importance of (i) advancing equality between such children and others, (ii) reducing the disadvantages that such children suffer from, (iii) meeting the needs that they have that are different from the needs of other children and (iv) encouraging them to take part in public life, including in particular social, recreational and leisure activities in social and group settings.

- 11.4 As Members will appreciate, children with special educational needs and/or a disability will find it much harder than other children to engage in social, recreational and leisure activities and so enjoy a childhood of equal quality to other children. This problem may not be fully overcome simply by meeting statutory needs and/or by meeting statutory needs through providing one-to-one respite care by a carer. However it is obviously important for children with special educational needs and/or disabilities to engage in activities with other children and groups of adults as far as possible, as other children are able to do, irrespective of whether they are assessed as having a formal statutory need to do so.
- 11.5 Members will also appreciate that many children with special educational needs and/or a disability will struggle to cope with the loss of particular kinds of service, even if their needs continue to be met in different ways.
- 11.6 In addition, the provision of short breaks enables carers to provide care more effectively, allows greater time to be afforded to other children of the family and allows carers – who will often be women – to engage in education, work, leisure, household chores to a greater extent than would otherwise be the case.
- 11.7 These are all very important and powerful considerations but they are not absolute. Whilst these considerations must be treated as being very important and powerful it is still appropriate to try to weigh up exactly how important and powerful they are in the particular circumstances. It is legitimate to conclude that it is necessary for the Council to do less to promote the welfare of children and their carers than it would wish to do for budgetary reasons, including to protect the budgetary allocation for other vulnerable children and adults. It is however necessary for Members to feel confident that the short breaks budget reduction is proportionate and justified and that there are no other measures that reasonably could be taken, for example using reserves or increasing fees or reducing other budgets.
- 11.8 Members will also need to instruct and be satisfied that officers will properly monitor the impact of the reduction in short breaks funding and report back, in particular if any unforeseen risks materialise. This is reflected in the Recommendations before Council.

## 12. Conclusion

- 12.1 It is recommended the Council considers and approves Officers' recommendations on Page 1.

## 13. Consultation and Engagement

- 13.1 The consultation process undertaken for the proposal to reduce the budget for short breaks for children with disabilities was progressed in an informed and appropriate way. This included the council engaging Parent Voice, a parent participation group,

to ensure parents views were heard, as well as meetings being undertaken with local providers of Short Breaks provision across West Berkshire to ensure the impact of any reduction in services was fully understood.

- 13.2 These meetings are ongoing with the awarding of the Transition funding to further ensure maximum benefits are derived from the services delivered and that they can be sustainably delivered without over-reliance on Council funding in the future.
- 13.3 Members are reminded of the need conscientiously to consider the consultation responses in full and the accompanying reports in Appendix B.

### **14. Financial considerations**

- 14.1 It is considered that this proposal is proportionate and justified and there are no other measures that reasonably could be taken, for example using reserves or reducing other budgets. Reserves cannot be used because they are currently at a minimum level where any further reduction would be considered unsafe. Reduction in other budgets has been ruled out as disproportionately impacts in other areas of the Council's duties.

Officers consulted: Juliet Penley, Mac Heath, Shiraz Sheikh and David Holling as Monitoring Officer.

### **15. Appendices**

- 15.1 Appendix A – Supporting Information

Appendix B – Documents relating to the Decision taken on 1<sup>st</sup> March 2016 including (i) the Budget Report; (ii) the Budget Consultation Report; (iii a) Budget Proposals 2016-17: Short Breaks for Disabled Children Overview of Responses and Recommendations; (iii b) Summary of Feedback Received and Key Findings; (iii c) Verbatim Responses (iv 1 and 2) Equality Impact Assessments at Stage 1 and Stage 2; and (v) minutes of the budget meeting.

Appendix C – The witness statements used in the Judicial Review proceedings.

Appendix D – Equality Impact Assessment