

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

18 SEPTEMBER 2014

SHORT BREAK REVIEW AND POLICY

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Commissioning (Children)

Summary

This report provides an overview of the key findings and recommendations arising from the Short Break Review and seeks the Committee's consideration of the draft Short Break Policy for Disabled Children and Young People 2014 – 2019, prior to submission to Cabinet on 30 September 2014.

The draft Short Break Policy has been developed in response to the recommendations arising from the review, feedback from children, young people and parents and the recent legislative requirements stated in the Children & Families Act 2014.

The Policy sets out how Medway Council and Medway Clinical Commissioning Group (MCCG) will meet these requirements, and improve the quality and choice of services for disabled families in Medway within the available financial resources.

The report outlines the proposed changes to how short breaks are currently delivered in Medway.

1. Budget and Policy Framework

- 1.1 The Short Break Policy is consistent with the Council's Policy Framework and the service will be delivered within existing budgets.
- 1.2 The Short Break Policy addresses all the legislative requirements. The policy is an appendix to this report. The legislative requirements are briefly outlined below: -
 - 1.2.1 *The Children and Families Act 2014* seeks to ensure that Local Authorities place children, young people and families at the centre of decision making, enabling them to participate in a fully informed way and with a focus on achieving the best possible outcomes.
 - The Act requires authorities to offer families who have Education, Health and Care Plan (EHCP) the choice of receiving a Personalised budget,

which is intended to give families great decision making ability as to how best to purchase services to meet their needs.

- The Act requires authorities to publish a full range of service provision on offer and the cost of each service which includes Short Breaks. This is to enable families to be aware of what is on offer and make informed choices.

1.2.2 *The Breaks for Carers of Disabled Children Regulations 2011*, require Local Authorities, as part of the range of services they provide to families, to provide breaks from caring to assist parents and others who provide care for disabled children with a short break from their caring responsibilities so they are able to continue to provide care, or provide care more effectively.

- Local Authorities are required to produce a Short Break Service Statement setting out the range of local short breaks on offer, any eligibility criteria of these services and to evidence how these services have been designed to meet the need of local carers.
- The regulations allow the Council to take account of available resources when deciding the eligibility of these services.

1.2.3 *The Children Act 1989* defines all children with a disability as a child in need but does not oblige the Local Authority to provide services to all disabled children. The Act allows the Local Authority to assess and prioritise the way they meet the needs of children in the area using eligibility criteria.

1.3 The Short Break Budget is as below:

The total revenue budget available in 2014/2015 is **£1,808,649**.

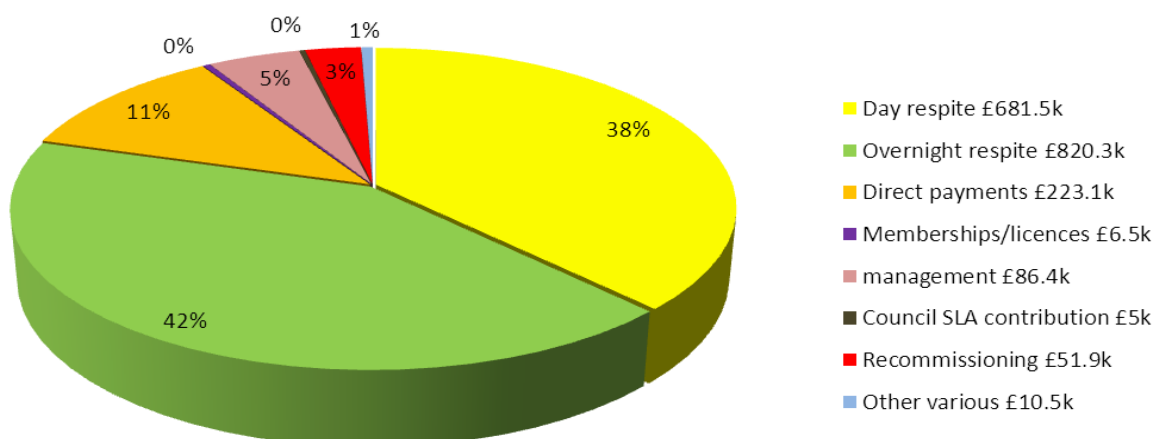
The total capital funding budget available is £403,039.

This is the total budget allocation for both the Council and MCGG.

- In 14/15 Medway Council's contribution to Short Breaks is **£1,340,238**.
- In 14/15 Medway CCG's contribution to Short Breaks is **£468,411**.

A breakdown of Short Break expenditure is outlined below:

short breaks predicted spend 2014/15



2. Background

2.1 A Cabinet decision was made in September 2013 to bring together the funding of both the Local Authority and NHS to extend the number of residential overnight short breaks at Aut Even and purchase additional overnight short breaks from the independent sector. This expansion was as a result of the closure of Preston Skreens, operated by Medway NHS Foundation Trust, and funding by the NHS. The expansion of Aut Even has been carried out and Preston Skreens has now closed.

2.2 Medway Council and Medway Clinical Commissioning Group (MCCG) sought a comprehensive review of short breaks to be undertaken following the closure of Preston Skreens. The requirements of the review were to:

- Identify strengths and areas for improvement in delivering short breaks in Medway paying particular attention to overnight short break provision and potential use of the Short Break Capital budget.
- Propose recommendations for future provision and commissioning of short breaks in the context of Medway Council developing a disability service for 0-25 year olds, the SEN Reforms and ensuring value for money.
- Inform the development of a Short Break Policy setting out the aim of the service and ways in which short breaks can be provided to better meet the needs of disabled families.

2.3 The key findings of the review and the recommendations are outlined in Section 4 of this report.

3. Outcome of Consultation with Children and Families

3.1 The findings from the short break surveys undertaken between 2012 and 2014 have informed the draft Policy. In addition to the surveys, consultation has taken place with the Medway Parent & Carer Forum and through the Local

Offer Road Shows in 2014. Medway's Young Commissioners and the Young Inspectors were also consulted.

3.2 The key findings from the consultation have been broken down into themed areas for the purposes of informing this report.

3.3 ***Short break services currently on offer:*** -

- Parents and carers identified the need for a wider choice of short break opportunities for families and more equitable provision.
- More flexibility of provision was requested to cater for specific needs or circumstances
- More after school and holiday play schemes were requested
- Services on offer need to be better targeted at supporting young people with Autism; Attention Deficit and Hyperactive Disorder (ADHD); Behavioural, Emotional and Social difficulties (BESD); physical disabilities; speech and language difficulties and epilepsy.
- Young people sought to engage in similar activities as to their peers who do not have a disability
- Opportunities for sibling activities and residential breaks either for the child or with the family
- Practitioners identified the need for more parental support to help build the confidence of parents/carers and the independence in their children.

3.4 ***Accessibility of services:*** -

- Key barriers to access are lack of information and awareness as to what is on offer
- Services not being available at the right time or at the right place;
- Access to suitable transport to access activities
- Universal services not having the ability to support and manage children with complex physical disabilities and is excluding disabled young people

3.5 ***Age groups:*** -

- Parents sought more services for younger children, aged up to five, and for young disabled adults aged 18-25 to build independence

3.6 ***Transport:-***

- Concerns were expressed at to the need for transportation, especially for children with complex physical and learning disabilities e.g. a child with Aspergers syndrome and high functioning Autism could not access services because it is expected that they use public transport. Many may not understand potential dangers and are therefore very vulnerable.
- They felt unable to have bus passes due to separate transport arrangements in place to take them to their schools. They found buses expensive. Parents also requested help with transport to and from activities.

3.7 Independence: -

- Young people identified a need for their parents/carers to allow them to take part in activities similar to those undertaken by other young people and have the confidence that they will be safe.

4. Key Findings and Recommendations of the Short Break Review

- 4.1 A total of 1202 children accessed a Short Break service in 2013/14. 42% of the overall Short Break budget (£820,300) is spent on supporting 86 children in overnight residential provision compared to 38% (£681,500) in day respite supporting 964 children.
- 4.2 For the purposes of this report, day respite is defined as all other short breaks which are not overnight residential services such as sports clubs, afterschool clubs, youth clubs, sitting and befriending services.
- 4.3 According to the Joint Strategic Needs Assessment (JSNA), the number of children and young people with Special Educational Needs and Disabilities (SEND) will increase by 5.5% each year over the next five years.
- 4.4 Currently there is no tracking to identify which families / children have accessed Short Breaks. As a number of day respite services are accessed through self referral it makes this difficult to track and hence it is not possible to ascertain how many families are accessing a range of different short break services on offer and how many are accessing none. It is not clear if services are being targeted at meeting those families who are most in need and are being equitably delivered.
- 4.5 A number of other findings and recommendations were made in the Short Break review, as summarised below: -

4.5.1 Overnight Short Breaks

- 4.5.1.1 Based on the current numbers in overnight residential short breaks and applying an increase on 5.5%, the spend on residential overnight short breaks is likely to increase year on year. There is no additional revenue budget to support this increase and if the prioritisation of existing resources is not addressed, the risk is that less and less short break services will be delivered to families that have the greatest need.
- 4.5.1.2 Overnight residential short breaks should be targeted at families with the most complex and specialist needs. Alternative overnight provision such as family based services, overnight sitting services and holiday short breaks should be offered to families with less specialist support requirements.
- 4.5.1.3 The cost of an overnight residential short break ranges between £300 - £400 per night compared to an overnight sitting service or family based overnight service at £125 per night.
- 4.5.1.4 If more families take up of the offer of alternative and more cost effective overnight short break provision, this will increase Medway's ability to ensure

that a wide range of other Short Break services continue to be offered to families who may not be eligible for residential short breaks.

4.5.2 Capital Budget

4.5.2.1 During the review, consideration was given to how the Short Break Capital Budget could be invested, taking into account a number of existing proposals to develop overnight residential short break units on the sites of two special schools in Medway.

4.5.2.2 Although there is sufficient capital funding to support the two builds, there is no additional revenue funding to deliver these services. The anticipated cost per night to deliver the service is estimated to be in the region of £300-£400 with the potential to offering up to a total of 1006 nights.

4.5.2.3 In the absence of further revenue funding an alternative option would be to charge families who could potentially utilise some of their direct payments to contribute to the cost. The risk is that if more affordable overnight short breaks are offered, families may choose not to utilise the residential short break units and these residential units may not be fully utilised.

4.5.2.4 An alternative capital proposal is to explore the viability of investing the capital budget in developing 38 – 52 week Continuing Healthcare and Special Educational Needs Residential provision in Medway. There is a shortage of long term residential provision in Medway and hence children are placed out of the area at a cost in the region of £200,000 per annum per child. A business case will be developed to explore the viability of this option prior to seeking Cabinet approval for the recommendations made. It is important to clarify that the short break budget does not fund long term Continuing Healthcare and SEN residential placements.

4.5.3 Personalised Budgets

4.5.3.1 Personalised budgets should be offered as a choice to families eligible for Short Breaks. The budget will enable families to have greater choice and flexibility in determining how they spend the money on meeting their needs. This will address one of the key concerns parents raised as to services not being available at the right time or at the right place. There is also the potential to use personalised budgets to access transport to Short Break activities which was a concern that parents raised.

4.5.3.2 More robust systems need to be put in place to ensure services are directed at meeting families who are most in need and that services are delivered equitably.

4.5.3.3 To roll out Short Break personalised budgets, a number of actions outlined below need to be taken forward:

- The eligibility criteria and Short Break statement will need to be refreshed.
- The assessment process and the resource implications to undertake this need to be worked through
- A fair and transparent formula as to how personalised budgets will be allocated based on assessed need has to be developed

- The providers of Short Break services may require time and support to be able to respond to the demand for flexibility and choice by families. Providers would need to have systems in place to cope with irregularity of personal budget income as opposed to fixed term funding arrangements as per existing contractual arrangements
- Not all parents/carers and young people will feel ready to manage direct payments. Some may never wish to have such control. Therefore there is the need to ensure that commissioned services can be offered greater flexibly to meet need. There is a challenge in commissioning short breaks in this manner as it is not known what the potential take up of direct payments will be and this needs to be carefully managed to ensure that Medway continues to meet its sufficiency duties
- To support families access a range of appropriate services Partnership Commissioning will need to put in place a 'Preferred Provider' Framework, via a competitive procurement process, offering a wide range of Short Breaks. Preferred provider status should only be awarded to those providers who evidence high quality standards and value for money. This framework could be accessible by both commissioners and parents seeking to purchase services as and when the need arises.

4.5.5 Future Commissioning

4.5.5.1 The Short Break review made a number of recommendations as to how Short Break services could be commissioned to better meet the needs of families in Medway. The recommendations made, are summarised below:

- More needs to be done to maximise inclusion and participation at a universal level for families with complex needs. Time limited support and training for universal services should be commissioned to equip providers to better meet and support the needs of disabled children and young people. This will enable young people to engage in similar activities to their peers and create greater opportunities for sibling who are not disabled to engage in the same activities. This will also support parents/carers to feel more confident in knowing that their children will be safe when engaging in universal activities.
- There is the need to increase the range of more cost effective overnight short break provision in Medway as opposed to residential care e.g. overnight sitting services, more inclusive holiday short breaks and family based care delivered by a skilled, experienced and trained workforce to cater to the differing levels of complexity of need.
- More needs to be done to raise awareness of existing support services on offer, that are over and above Short Breaks, to support young people with ASD and ADHD, speech and language difficulties and epilepsy. Pathways of provision should be prioritised for those children with Autism, ADHD and BESD. Services need to be commissioned in a more integrated way to ensure that existing resources across Health and Social care are maximised and are better directed at meeting need. Great alignment with the 0-25 Disability service is needed to ensure service provision is delivered more holistically, in a coordinated and jointed up way.

4.5.5.2 Medway's draft Short Break Policy for 2014-2019 aims to place children, young people and families at the centre of decision making, enabling them to participate in a fully informed way and with a focus on achieving the best possible outcomes. To achieve this, we plan to involve Medway Parents & Carers Forum as part of the implementation team so we effectively engage parents, carers, children and young people at every stage of the implementation process. As part of the development of a business case for overnight residential short breaks, officers and the Lead Member will meet with current service users to ensure they input at the start.

4.5.6 Transition

4.5.6.1 Medway Council has already made good progress in improving transition arrangements for young people in that it has set up a 0-25 Service.

4.5.6.2 Adult residential overnight provision such as the Napier Unit has CQC registration to provide services to 16+. Ensuring services are targeted at assessed need will support transition to adult services which require needs and financial assessments.

4.5.6.3 No additional funding through the SEN reforms is available to increase short break services to support the 18 – 25 year age group. It is recommended that the SEN Reform Lead, the 0-25 Disability Service and Partnership Commission consider how best to pool resources to meet the needs for this group of young people, especially in light of parents stating more support is needed for young disabled adults aged 18-25 to build independence.

5. Diversity Impact Assessment

5.1 A Diversity Impact Assessment has been undertaken (Appendix 2) which identifies advance equality by enabling more choice and access to families who previously would not have had the opportunity to receive services. Shaping the local market will ultimately enable better provision as providers react to consumer demand. Currently, families can access any number of universal short breaks by self-referral. Under the new system, all families will be assessed and services will be more equally and fairly distributed. Families reaching statutory assessment thresholds will continue to receive services. Families not eligible for a personal budget will still be able to access universal services at a rate determined by the provider.

6. Advice and Analysis

6.1 The aim of Short Breaks is to give disabled children and young people the opportunity to attend a wide range of different activities and have time away from their primary carers, so that their parent(s) or carer(s) can have some respite from their caring responsibilities.

6.2 Medway's draft Short Break Policy for 2014-2019 aims to place children, young people and families at the centre of decision making, enabling them to participate in a fully informed way and with a focus on achieving the best possible outcomes.

- 6.3 Feedback from service users highlighted the need for short break services to be more accessible, flexible and tailored to meeting their unique needs and delivered more equitably.
- 6.4 The review identified that a majority of commissioned services are accessed self referral and as a result it is a challenge to gain an oversight as to which families receive low levels of support, which families are accessing multiple short breaks, which families receive no support or indeed the impact of these services.
- 6.5 It is proposed that all future Short Break services are targeted at meeting the needs of families of children and young people with complex and specialist needs and that more is done to maximise their inclusion and participation at a universal level.
- 6.6 The draft policy proposes that all families eligible for a Short Break will have their health and social care needs assessed through the Education, Health & Care planning process or CAF to determine the level and amount of short breaks to be offered and what outcomes are to be achieved. This will ensure that short break services are better targeted at meeting those families who are most in need and ensuring greater equity of provision. This will also ensure needs are assessed on a regular basis.
- 6.7 Families highlighted that one of the key barriers of access to services was the lack of awareness and information of what services were on offer. The proposed assessment process will ensure that the lead professional undertaking the assessment is able to inform and signpost families to what is on offer. All Short Breaks on offer, including the cost, will be published as part of the SEN local offer and through the Short Break Statement. More will be done to raise awareness of what is on offer through a tailored marketing campaign.
- 6.8 Personal budgets will be offered to families who are eligible for a short break. They will have a choice as to whether they receive a direct payment or have their budget managed for them. Direct payments are already offered to some families eligible for Short Breaks.
- 6.9 The Personal budget will be allocated according to the level of assessment need. Families who prefer to receive a direct payment will have greater choice and flexibility in determining how they spend their budget on what service. This will address one of the key concerns parents raised as to services not being accessible at the times and in the place they need it to be.
- 6.10 Families who prefer receiving a managed budget will be able to access support through a range of commissioned services in accordance to their assessed level of need.
- 6.11 Following the review, it is proposed that a Preferred Provider framework of Short Breaks be developed via a competitive procurement process, which will enable services to be procured on a flexible basis as and when the need arises. This framework will be open to families receiving a direct payment too. This will maximise the authority's ability to ensure services are better targeted at meeting need and are better able to respond to families' requirements.

- 6.12 There is the need to increase the range of more cost effective overnight short break provision as an alternative to overnight residential care. This could be achieved through commissioning overnight home sitting services, holiday short breaks and family based provision through Medway's Fostering Link scheme. This will enable families in receipt of direct payments to have more affordable options available to them. Overnight residential provision should continue to be targeted at families with highest level of need requiring specialist support.
- 6.13 It is proposed that a business case is developed to assess the viability of investing the Short Break capital budget in developing long term Continuing Health Care and Special Educational Needs residential provision in Medway to prevent young people with complex Health & SEND needs being placed out of area.

7. Implementation Action Plan

- 7.1 Key milestones to implement the draft Short Breaks Policy are:

Draft eligibility criteria for short breaks	November
Commission a preferred provider framework	end of February
Develop Family Link Service	January
Roll out personal budgets	from May
Develop proposals for residential short breaks	February

- 7.2 At all stages children, young people and their families/carers will be engaged.

8. Risk management

- 8.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk
Adverse publicity	Parents and carers who currently receive short break services may not receive them or may have reduced services after assessment	A communication plan will be developed: Continued work with the Medway Parent Carer Forum to feedback findings to families
Capacity	Social care resources cannot cope with proposed changes to and the increase in assessments of families	Maximise the potential for existing community services to support the assessment process

Provider Market	Some providers may struggle to respond to the demand for flexibility and choice by families, and the need for systems to be place to cope with irregularity of personal budget income as opposed to fixed term funding arrangements.	A preferred provider framework is recommended to give flexibility; A Market engagement event is proposed to prepare and support providers
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9. Financial implications

- 9.1 The delivery of the Short Break policy will be delivered within available budgets.

10. Legal implications

- 10.1 This Committee has the remit to review and scrutinise children and family services including all functions and duties of the council under all relevant legislation in force from time to time relating to children's social work and social services. Under The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 the Council also has power to review and scrutinise any matter relating to the planning, provision and operation of the health service in Medway. This Committee has responsibility for scrutiny of children's health.
- 10.2 The Committee was previously consulted about the closure of Preston Skreens (which was a health service provision) and the scope of the consequential review. This report proposes commissioning arrangements for short breaks by Medway Council and the NHS Medway CCG in line with the outcomes of the completed review.
- 10.3 In addition to the legal implications contained within the body of the text, the Children and Adults directorate will need to ensure compliance with the Equalities Act 2010 (the Act) during the implementation stage.

Section 149 of the Act requires the council to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.4 The Council has carried out a diversity impact analysis, a copy of which is annexed to this report. This identifies both the negative and positive impacts of the proposed policy changes and identifies how any negative impacts might be mitigated and any positive impacts ensured through the delivery of the services which are the subject of the policy.

11. Recommendation

- 11.1 The Committee is asked to consider the draft Short Break Policy for Disabled Children and Young People in Medway 2014-2019 and forward any comments to Cabinet on 30 September 2014.

Background papers

None

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