

CABINET

30 SEPTEMBER 2014

SHORT BREAK REVIEW AND POLICY

Portfolio Holder: Councillor Mike O'Brien, Children's Services (Lead Member)

Report from: Barbara Peacock, Director of Children and Adults Services

Author: Justine Henderson, Interim Head of Service, Partnership Commissioning (Children)

Summary

This report provides an overview of the key findings and recommendations arising from the Short Break Review and seeks the Cabinet's consideration and approval of the draft Short Break Policy for Disabled Children and Young People 2014 – 2019, following consideration by the Children and Young People Overview and Scrutiny Committee on 18 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, therefore this is a matter for Cabinet.
- 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:

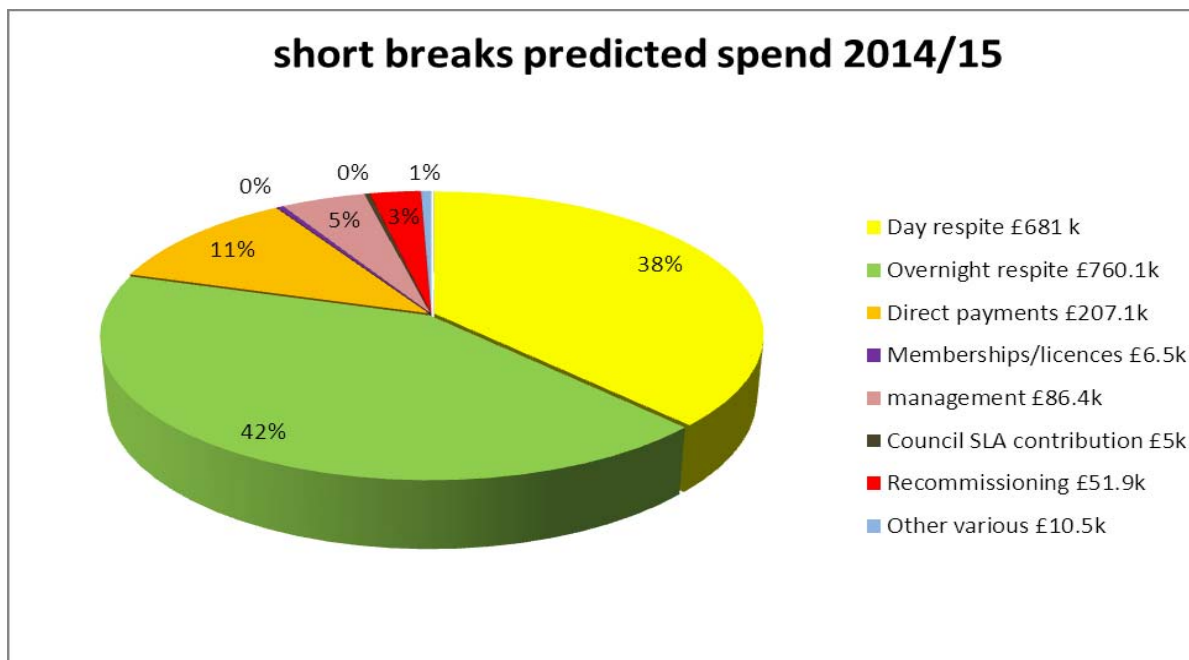
The total revenue budget available in 2014/2015 is **£1,808,649**.

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

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

- 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:



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. Invitations were sent to every family through the school that their child attends. 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 1029 children accessed a Short Break service in 2013/14. 42% of the overall Short Break budget (£760,160) is spent on supporting 65 children in overnight residential provision compared to 38% (£681,500) in day respite supporting 964 children. There are 5 children currently on the waiting list for Aut Even, all of whom are receiving home appointments to organise a visit to the centre soon.

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 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 flexibility 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.

4.5.4 Future Commissioning

4.5.4.1 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.

4.5.4.2 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.

4.5.5 Transition

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

4.5.5.2 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.

4.5.5.3 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. Phased approach

- 7.1 A phased approach of commissioning is essential to ensure that there are services in place for those families assessed as eligible for a short break. A range of commissioned targeted short breaks will be available in year one (from April 2015) through a framework with in-built flexibilities to be able to reduce or expand provision as needs arise. Personal budgets are already being successfully utilised to support families and we will build on best practice to distribute these more widely extending the choice to more families.
- 7.2 The take up of these will start to inform where preferences lie. Year two will see the reduction of block commissioned services as funding is redirected to support those services accessed by personal budgets. Families will be able to use those services on the framework. In year three we expect to have a limited range of block commissioned short breaks for those families who are unable or unwilling to manage personal budgets.

8. Implementation Action Plan

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

Draft eligibility criteria for short breaks	November 2014
Meetings with existing families about proposals	December
Develop Family Link Service	start January 2015
Develop proposals for use of capital funding	February
Commission a preferred provider framework	end of February
Support for personalised budgets for families	from February
Roll out personal budgets for interested families	from May
Re align commissioned short breaks to needs	March 2016 & 17

- 8.2 At all stages children, young people and their families/carers will be engaged.
- 8.3 It is proposed to seek a delegation to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to implement the Short Breaks Policy.

9. Children and Young People Overview and Scrutiny Committee

- 9.1 The Assistant Director Partnership Commissioning and the Interim Head of Service, Partnership and Commissioning (Children) introduced the report which provided an overview of the key findings and recommendations following a review of short breaks. The draft policy presented to the committee had been prepared to ensure children, young people and their families are at the heart of the service, that they are well informed of services available, that they are able to purchase services through personal budgets should they wish and that there is appropriate and sufficient range of services. Officers also wanted to ensure that there was a clear assessment of need undertaken for each family and they were working closely with providers to ensure that needs of individual families could be met and a range of support options could be delivered.

9.2 Members then asked questions and made comments including the following:

- **Timeframe and impact on families.** Concern was raised on the time this review had taken and the impact this was having on families that relied on short breaks. Officers explained that they were working hard to establish a framework of options and were looking to tender for services in the next few months. In addition, provision at Aut Even had been substantially increased and the age range able to access the Napier unit had been lowered. There had also been very positive feedback from users of Dragon's Retreat, a provision based in Kent. Officers also undertook to report back on whether there was a waiting list for the services at Aut Even, following a request from a Member.
- **Personal budgets.** Members raised concern that personal budgets may not be suitable for all families. Officers clarified that having a personal budget would be a family's choice and they wouldn't have to access services using a personal budget should they not wish to. It was simply an option for families so that they could purchase services that most suited their specific needs by accessing a more diverse range of support services.
- **Use of Common Assessment Framework forms (CAFs).** Concern was raised by a Member that the policy proposed families to be assessed for short breaks provision through the Education, Health and Care planning process or CAF. They felt that the CAF process was not adequately performing to manage this additional aspect. Officers explained that they had not wanted to introduce an additional assessment for families who already have to repeat their story in several ways. In relation to CAF they explained that it was being developed to be more user friendly and more focussed on the child's and family's needs. There had been a dramatic rise in the number of CAFs held in Medway and the team supporting CAF had been integrated in the Early Help service with agencies better supporting its use which would improve the CAF performance and role across Medway. Officers undertook to bring a report on the new Early Help Service, including CAF, to a future meeting of the committee.
- **Impact on families currently accessing services.** Concern was raised that the diversity impact assessment at appendix 2 of the report noted that the impact of all families being assessed and services being more equally and fairly distributed was that some families currently accessing services may no longer receive them. Members wanted to know how such families would be supported. In response officers confirmed that they did not want to disadvantage any family and would be working better with universal services to enable children and young people to access such services, which in the feedback from children and young people, they wanted to do so they can use services that their peers use. Officers also undertook to report back to the committee on the local offer, which would demonstrate a tiered approach to support for families. Members welcomed this but also requested assurance that there would be a phased transition of the new service delivery to support affected families to adjust to any changes.

9.3 The Committee:

- (a) Recommended the Cabinet to approve the Short Break Review and Policy for Disabled Children and Young People in Medway 2014-19 and to request that it include more detail with regards to phased transition of the new policy to mitigate any families from abrupt changes in services they receive.
- (b) Requested that a report on Early Help Services, including the Common Assessment Framework be added to the work programme.
- (c) Requested that a report on the local offer, demonstrating a tiered approach to support services, be added to the work programme.

10. Director's comments

- 10.1 Officers welcomed the points raised at Overview and Scrutiny and have further considered and addressed these in this report to Cabinet. In particular, a new section on the phasing of this work has now been included as section 7.

11. Risk management

- 11.1 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

12. Financial implications

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

13. Legal implications

- 13.1 It was reported to the Children and Young People Overview and Scrutiny Committee that it 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. It was also noted that the Children and Young People Overview and Scrutiny Committee has responsibility for scrutiny of children's health.
- 13.2 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.

- 13.3 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.

14. Recommendations

- 14.1 The Cabinet is asked to approve the Short Break Policy for Disabled Children and Young People in Medway 2014-2019.
- 14.2 The Cabinet is asked to delegate authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to implement the Policy, as set out in paragraph 8.1 of the report.

15. Suggested reasons for decision

- 15.1 The approval of the Short Break Policy for Disabled Children and Young People in Medway 2014-2019 will ensure that short break services are better targeted at meeting those families who are most in need and ensuring greater equity of provision.

Background papers

None

Lead officer contact

Donna Mills, Partnership Commissioning Manager

Email: donna.mills@medway.gov.uk Tel: 01634 338724

Short Break Policy for Disabled Children and Young People in Medway 2014 – 2019 (Draft)

1. Introduction

This policy describes how Medway Council and Medway Clinical Commissioning Group will work together with partners to provide short breaks which meet the needs of and improve the outcomes for disabled children, young people and their families.

Short break services will form part of the local offer required under the Children and Families Act 2014, which applies to children with Special Educational Needs and Disabilities.

This policy sets out how we will meet these requirements, and improve the quality and choice of services for disabled children and their families in Medway within the available financial resources.

2. What is a short break?

Short breaks provide opportunities for disabled children and young people to spend time away from their primary carers. They include day, evening, overnight or weekend activities, and can take place in the child's own home, the home of an approved carer, or in a residential or community setting.

Short breaks provide disabled children and young people with an opportunity to learn new skills, increase confidence, have fun, make new friends, prepare for adulthood and have enjoyable experiences with or without their parents/carers.

At the same time they provide families with a break from their caring responsibilities, giving parents/carers a chance to unwind, rest or spend time with other children in the family.

3. What are we aiming to achieve?

The key aim of our approach is to ensure that there is an appropriate and sufficient range of short break opportunities for disabled children and their families in Medway to meet their identified needs. We also wish to ensure, through good publicity and information about services that all disabled children and their families know about the services available, how to access them, their costs, and how to influence the development and commissioning of future

services. By taking a whole life approach this will result in children and young people, and their parents, having choice and control over a well-developed local offer of short break opportunities, in a personalised way.

Essentially this will be achieved through careful assessment and allocation of personal budgets, through direct payments or managed budgets, to maximise service user choice, and influence the development of the local market to provide the range of services wanted by disabled children and their families.

4. The legal basis for providing short breaks

Medway Council is under a legal obligation to provide or commission short breaks for disabled children under the following guidance and legislation:

The Breaks for Carers of Disabled Children Regulations 2011

The Breaks for Carers of Disabled Children Regulations 2011 require local authorities to provide or commission a range of services to help parents or carers of disabled children to continue to provide care, or provide this care more effectively by enabling them to take short breaks from their caring responsibilities. The regulations require local authorities to consider the needs of carers who would be able to provide care more effectively if they were able to take breaks from caring in order to undertake education, training or regular leisure activities, to meet the needs of other children in their family or carry out the day to day running of their household. They require local authorities to provide a range of services including daycare, overnight care, educational or leisure activities for disabled children and services to assist carers in the evenings, weekends and during school holidays.

The Regulations allow the council to take into account available resources when deciding the eligibility to these services.

The regulations also require local authorities to produce a Short Breaks Services Statement setting out the range of local short break services, any eligibility criteria for these services and show how these services have been designed to meet the needs of local carers.

The Children Act 1989

The Children Act requires local authorities to provide a range of social care services to support children in need. These services may include domiciliary care to help meet personal care needs or equipment help children function in the community. The Act also requires local authorities to assess and prioritise the ways they meet the needs of children in the area and permits local authorities to use eligibility criteria to take into account available resources. As

such, although the act defines all disabled children as children in need, it does not oblige local authorities to provide services to all disabled children.

The Care Planning, Placement and Case Review (England) Regulations 2010

The Care Planning Regulations set out the amount of overnight respite care which can be received by disabled children without them being deemed “looked after”, and sets out arrangements for reviewing such placements.

The Children and Families Act 2014

The Children and Families Act 2014 received Royal Assent on 13 March 2014. It has wide reaching implications for local authorities and partners, in particular affecting services for children with Special Educational Needs and Disabilities, including the provision of short breaks.

The Act incorporates principles based on the Government’s vision for reforming services for children and young people with special educational needs, as set out in the 2011 Green Paper, *Support and Aspiration: A new approach to Special Educational Needs and Disability*. They seek to ensure that local authorities place children, young people and families at the centre of decision making, enable them to participate in a fully informed way, and with a focus on achieving the best possible outcomes.

5. Organisational Context

This statement is set within the development of a comprehensive 0- 25 years’ service for disabled children, young people and adults in Medway, managed within Adult Services to improve transitional arrangements. This was implemented in July 2014.

6. Strategic Intent

Key principles and processes for commissioning short breaks were established through a multiagency process involving all key partners in Children’s and Adult Social Care, Education and Health. They are consistent with the principles contained in the Children and Families Act 2014 and are set out below:

6.1 Principles:

Short Break services will be commissioned through a process which:

- Is person centred
- Gives choice and control to service users
- Is funded through the use of personal budgets
- Signposts and gives support to enable disabled children to access universal services

- Targets resources where most needed to achieve clear, identified outcomes
- Focuses on local provision
- Is sustainable and works with the local community to respond to their needs
- Provides good quality information to support choice
- Has the ability to respond to urgent unplanned needs
- Harnesses social capital to support resilient families and resilient communities
- Is holistic and addresses local support needs for disabled children and their families
- Uses common terminology across all partner agencies
- Commissions core services to reflect user preference
- Is cost-effective and maximises the value for service users from available budgets

6.2 How we will provide and commission short break services

Currently, short breaks are provided through:

- Direct provision from Social Care and Health resources
- Services commissioned through external providers
- Some services directly purchased by the parents/carers of disabled children, and by young disabled people themselves, through use of their own resources and through personal budgets. These services are developed by providers in response to local need.

Our long-term strategy is to respond to the principles contained within the Children and Families Act, and to our commitment to the development of personal budgets to ensure that service users and their families can determine the shape and nature of local services. This will require:

- Improved information about services, their cost and how to access them
- The development of personal budgets and direct payments, and support for service users and their families to manage them.
- A range of day, weekend in overnight breaks, including mentoring and in-home support to increase choice.

6.3 Support for service users

Some service users, parents and carers will need support in managing personal budgets and we will be making arrangements for this to happen.

6.4 How we identify the need for short break services

The level of need for short-term breaks for disabled children in Medway is identified through:

- Aggregation of information from assessments of eligible children and young people and their carers
- Consultation with disabled children and young people, their parents and carers
- The Joint Strategic Needs Assessment (JSNA)
- Analysis of data regarding the prevalence of children in Medway with different types of disability, provided by the Medway Council Performance and Intelligence team
- Information on needs from the Medway Sufficiency Strategy
- Reports from commissioning and contract monitoring officers
- Monitoring reports from service providers in accordance with their contracts
- Feedback from users of short breaks services
- Feedback from social workers and other staff working with disabled children and families

6.5 Personal Budgets

Personal budgets are the budgets allocated to individual children, their parents/carers, young people, and adults with disabilities to purchase short break services. There are two types of personal budgets:

- **Direct payments**, in which the budgets allocated following assessment of need, are paid direct to the service user or their family to use as they see fit.
- **Managed budgets**, in which the same sum of money is available to families and young people, but is managed on their behalf by the local authority. This can only be spent on already commissioned services, and will not allow the full range of choice available under direct payments. There will be no service charge for this arrangement.

6.6 Charging for services

In some cases it may be appropriate to make charges to adult service users, or to the families of disabled children to help cover the cost of provision. If implemented this would be undertaken within the assessment process.

6.7 Diversity

Medway Council and Medway CCG are committed to ensuring that short break services are equitable and available to all populations and communities within Medway. A Diversity Impact Statement has been prepared to reflect this commitment, and is appended to this policy.

6.8 The commissioning process

The commissioning process will continue to be managed by the Partnership Commissioning Team to ensure the availability of a wide range of short breaks.

Needs information from the above sources will be used to commission a core range of services, whilst concurrently and actively developing a personalised market and personal budgets. Service user choice through the use of personal budgets will in the longer term help shape the provision to meet expressed service user preferences.

7. What will change?

Accessing short breaks in the future

7.1 The current position (July 2014)

If a disabled child is assessed as being in need of a programme of short breaks, either to meet their own needs or to give their carers a break, they are referred to a range of short breaks jointly commissioned by Medway Council and Medway CCG. The amount of services they can access should be subject to the level of assessed need and to ensure equity of provision and that services are targeted to those most in need. In reality, a number of services are accessed through self-referral and not needs based assessment.

These short breaks can be daytime or evening activities, or can extend to overnight care in council provided or independent sector facilities. The overall budget for these services is limited, particularly for overnight breaks which are relatively expensive, and children cannot always access the amount of care, or the type of care that they would like.

Historically, overnight short breaks have formed a major part of the provision on offer. However, if families were more informed about what alternative short break provision is on offer, reliance on overnight provision may reduce. Overnight support for children with complex and challenging disabilities, some of whom will have medical dependencies and require the services of trained staff, will continue to be available.

7.2 In the future

In the future, the needs of disabled children and their families for short break services will be assessed via an Education Health Care Plan or CAF, and a personal budget allocated according to the level of need. This budget can be paid directly to the families, or to young people aged 16+, they will then be able to spend this money on whatever services they feel will help them most.

If they do not wish to manage the budget themselves, this can be undertaken by the local authority as a managed budget. In these circumstances, the amount of choice will be restricted to the services already contracted to the Partnership Commissioning Team.

Medway Council and Medway CCG will work through the Partnership Commissioning Team to help providers to develop or maintain a range of core services to meet currently identified needs. They will also work with local providers to stimulate the development of new services which can be directly purchased through the personal budget arrangements.

All services will be costed, and widely publicised, so that service users and their families will be able to know what is available for their money, and to be able to make choices to best suit their needs within their budget. Over time local services will be developed by providers to meet this demand, and use their flexibility to get the best services for the money using new technologies where appropriate.

Medway Council and Medway CCG anticipate that this approach will provide the best possible value for money and the best outcomes for disabled children and their families.

8. Resource allocation

Medway is committed to ensuring that access to short break resources is fair and equitable. Information about short breaks, their costs and how to access them will need to be well publicised and comprehensive.

Equitable allocation of resources will be based on thorough assessments of need through:

- The Children's Social Care Assessment
- An Early Help Assessment
- Education, Health and Care (EHC) Assessments
- The Adult Choice and Control Assessment for respite and core activities for eligible adults aged 18+

A process for integrating the outcomes of these assessments into the budget allocation process for personal budgets will be developed through an Implementation Action Plan to support this Short Breaks Policy.

9. Quality assurance

The quality of short break services that are commissioned will be assured through monitoring by Partnership Commissioning Officers, and through feedback from service users and their families.

Commissioning Officers will undertake regular visits to short breaks projects and complete evaluations. The results of these evaluations inform future commissioning decisions. In the event of shortfall on quality, provider organisations are given advice and guidance. If necessary improvements are not forthcoming, financial support will be withdrawn in line with the terms of the contract.

10. Monitoring achievement of outcomes

Short break services are commissioned against achieving desired outcomes for the people receiving services. Achievement of outcomes is monitored by Partnership Commissioning Officers and remedial action taken in the event of shortfall. We are committed to ensuring that children, young people and their families receive a high quality of service.

11. Market development

Information through monitoring, from the performance and intelligence team and consultation with service users will be used, in consultation with local and national service providers, to develop the market to ensure that a range of core services is available to disabled children, young people and their carers in Medway.

We will work with Medway's voluntary and community sector infrastructure organisation, Medway Voluntary Action and others, to equip local providers to

move towards providing services via personalised budgets in accordance with the Implementation Action Plan.

In the future, the direct experience of services by disabled children and their families will provide an increasingly powerful role in determining which services will expand and which will contract in response to personalisation.

We will explore the use of an electronic portal to access local short break resources, which will further help shape the market to meet local needs.

Diversity impact assessment

TITLE <i>Name/description of the issue being assessed</i>	Short breaks strategy
DATE <i>Date the DIA is completed</i>	22 August 2014
LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Donna Mills
1 Summary description of the proposed change <ul style="list-style-type: none"> <i>What is the change to policy/service/new project that is being proposed?</i> <i>How does it compare with the current situation?</i> 	
<p>In line with Special Educational Needs and Disabilities (SEND) reforms within the Children and Families Act 2014, it is proposed that families with a disabled child aged 0 – 25 years will in future be offered an outcomes-based assessment of needs and a personal budget from which to directly purchase short break services to meet the outcomes agreed. 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. The impact of the change is that families currently accessing services may no longer receive them. However, families reaching statutory assessment thresholds will continue to receive services. Families not eligible for a personal budget may still be able to access universal services at a rate determined by the provider. We expect this change to begin to shape the provider market as families choose certain services above others and thereby increase provision. Workshops will be delivered to potential providers of short break services by commissioners and services to prepare them for this change.</p> <p>A number of services are currently commissioned or funded by Medway Council to provide short breaks in Medway until March 2015. It is proposed that a preferred provider framework is put in place.</p>	
2 Summary of evidence used to support this assessment <ul style="list-style-type: none"> <i>Eg: Feedback from consultation, performance information, service user records etc.</i> <i>Eg: Comparison of service user profile with Medway Community Profile</i> 	
<p>A range of information has been used to inform this development:</p> <ul style="list-style-type: none"> SEND reforms under the Children and Families Act 2014 Analysis of performance reviews and data with service providers Consultation with parents and carers Consultation with young people Consultation with stakeholder Heads of Services Benchmarking with other local authorities 	

Diversity impact assessment

The 2012 school census showed that there were 10,274 pupils with SEND in Medway. This is 24 % of the school population, higher than the England and South East averages. Numbers are predicted to rise significantly by 5.5%.

SEND reforms require families with SEND children to be allocated a personal budget from which to support their needs from 1 September 2014. Not all children with a disability are SEN.

Accessibility for most short breaks is by self-referral. Evidence shows that many families are unaware of short break services and access none while other families access the full range.

Performance reviews with existing short break providers has identified strengths and weaknesses in provision:

Five consultation events have taken place during which 40 parents and carers have indicated which short break services they would like to access and how:

- Activities in the school holidays and after school ranging from providing skills/independence to doing sports and having fun
- More activities for the under 8's and for young people aged 17- 25
- Sibling and family based activities and holidays
- Day breaks, weekend and week respite to give families a break
- Specialist activities for specific conditions eg ADHD;schizophrenia
- Activities for children with physical or behavioural disability/wheelchair
- Activities for high functioning children and young people
- Specialist child care or babysitting opportunities
- Transport to access activities and respite
- Information, guidance and support about how to access short breaks
- Opportunities to build trust and relationships with providers
- Support with educational opportunities and expectations
- Information pack for families given out by health visitors and in children's wards
- Information on the range of funding and benefits available
- Funding to enable access to universal activities eg trampolining
- A card to show disability living allowance to avoid retelling story
- Knowing how and where to complain
- A network of families with similar circumstances

Parents/carers also advised us that they preferred to receive information by:

- Information pack given out by health visitors and on children's ward;

16 Young people advised us about services that were not currently working:

- Buses – too expensive or passes cannot be used at peak times

Also whether they would like to take up the offer of a short break if available:

- Responses yes 50%; maybe 25%; no 25%

How they would like to be involved or give ideas and comments in future:

- Information by emails; social media; through schools; letters; groups; presentations; attend board meetings; discussion groups; questionnaires; student unions

Diversity impact assessment

And what the Local Offer website should look like and how they should be informed:

- Eye catching; consistent; easy to navigate; by emails; basic booklets/leaflets in key high street places; phone help; posters; website; adverts on You tube

Benchmarking with other local authorities has identified that robust outcomes based assessment of needs with the allocation of personal budgets reduced the need for overnight respite and developed the local market for increased and varied universal and targeted day, evening and weekend short breaks.

The options for the commissioning of future core short break services will be determined in a subsequent Gateway 1 paper in September.

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age	√	√	
Disability	√	√	
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity			
Race			
Religion/belief			
Sex			
Sexual orientation			
Other (eg low income groups)			

Diversity impact assessment

4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

Families with disabled children will be assessed for services. Some (it is too early to know how many at this stage) families may not reach thresholds to receive a personal budget and to access targeted short breaks. Universal services may take time to become fully inclusive. Local services will respond to the diverse needs of families. Ultimately families will have control of their budgets and will shape the local market for short breaks. At this stage the other protected characteristics are not affected however this will be reviewed once the Gateway 1 and 0-25 service develops.

Advance equality by enabling more choice for families, may give access to families who previously would not have had the opportunity. Shaping the local market will ultimately enable better provision as providers react to consumer demand.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

Action below shows action that will be taken. In addition: Key worker staff will be trained to manage the changes. Providers will be advised of the proposed changes and will be supported to develop thresholds and accessibility criteria and how to support the families that they work with. Some providers may decide to continue to deliver short breaks without Medway Council funding since not all short break provision is currently funded by Medway Council. Families will be advised about the proposed changes in their reviews with their social worker. The local offer new website (due March 2015) will publish clear and concise information for families about short break services and how to access these. It will also allow families to book services using their personal budget allocations and review services received. Families will be consulted on their needs and the options available as part of the assessment process and in advance of the website going live.

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date
Analyse new outcomes based assessments of children to inform commissioning needs	Donna Mills	Sept 2014
Identify core short break needs to be commissioned	Donna Mills	Oct 2014

Diversity impact assessment

Identify services to be de-commissioned	Donna Mills	Nov 2014
Develop and publish a framework tender in readiness for new short break needs	Donna Mills	Dec 2014
Commission holiday overnight stays for the individual/family	Donna Mills	Sept 2015
Increase in sitting and befriending services including overnight sitting service	Donna Mills	Sept 2015
Increase in holiday play scheme and after school clubs for disabled children	Donna Mills	Sept 2015
Increase the participation in universal activities	Donna Mills	Sept 2015
Provide support for young people leaving school – such as network clubs; accessible learning and employment opportunities post 19	Donna Mills	Sept 2015
Commission short breaks for children with palliative care needs	Donna Mills	Sept 2015
Commission family based overnight stays	Donna Mills	Sept 2015
Identify services likely to be accessed by personal budgets	Donna Mills	Sept 2014
Work with Local Offer team to promote opportunities to parents/carers for personal budgets	Donna Mills	Sept 2014
Work with Local Offer/SDS team to provide support to parents/carers to understand and manage SDS	Donna Mills	Oct 2014
Increase available resource for Direct Payments/personal budgets	Donna Mills	Sept 2014
Liase with Local Offer team to better promote short break services	Donna Mills	Sept 2015
Short break specifications to include requirement for engagement mechanisms	Donna Mills	Oct 2014

Diversity impact assessment

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

To approve the mitigating actions outlined above and to authorise the new way of working

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Assistant Director

Helen Jones

Date

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: annamarie.lawrence@medway.gov.uk

C&A: phone 1031 email: paul.clarke@medway.gov.uk

BSD: phone 2472 or 1490 email: corppi@medway.gov.uk

PH: phone 2636 email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication