

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

6 OCTOBER 2016

SHORT BREAKS PROVISION FOR CHILDREN WITH DISABILITIES AND THE LOCAL OFFER

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Summary

This report informs Overview and Scrutiny of the results of the recent consultation concerning the move towards Direct Payments being the main vehicle by which families purchase community based Short Breaks. The consultation also sought feedback on suggested eligibility criteria and a self assessment process in order to ensure that Council resources are more effectively targeted, to make it clearer as to who was entitled to Council funded Short Breaks and to make the process for obtaining a short break easier for families.

It is proposed that it is recommended that Cabinet agree to the introduction of Direct Payments for short breaks from April 2017 with changes to the eligibility criteria outlined in 5.12.

1. Budget and Policy Framework

- 1.1. Councils are under a legal obligation to provide or commission Short Breaks for children with a disability. Additionally, they are required through the production of a Short Breaks Statement to set out the range of services provided, if any eligibility criteria for Short Breaks are in place and how the range of services is designed to meet the needs of parents and carers. The statement must be published and kept under review; this implies it should be updated when either provision changes or eligibility criteria change.
- 1.2. Short Breaks are provided within a legal and policy framework; the key responsibilities and duties are set out within the following legislation and guidance:
 - *The Breaks for Carers of Disabled Children Regulations 2011* (aka Short Breaks Regulations) requires Local Authorities to provide breaks from caring to assist parents and others who care for children with a short break from their caring responsibilities and to produce and review a Short Break Statement

- *Chronically Sick and Disabled Persons Act 1970* requires a Local authority to provide to a disabled child a short break when necessary to meet that child's needs
- *The Children and Families Act 2014* seeks to ensure that children, young people and families are at the centre of decision making. It requires Local Authorities to offer families the choice of having a personalised budget to better enable them to have more control over the services they use

2. Background

- 2.1. This Committee has been previously advised of the work done over the last two years regarding Short Breaks and agreed a number of recommendations for Cabinet including:
- 2014 review of Short Breaks
 - 2015/16 – undertaking a procurement process and implementation of a new Framework Agreement
- 2.2. The Council has adopted a strategic approach to the recommissioning and provision of Short Breaks:
- To target resources at those in greatest need
 - To enable families to exercise increased choice and control over their use of Short Breaks
 - To develop a new relationship between parents, providers and the Council in respect of Short Breaks
- 2.3. Cabinet has previously agreed in principle the notion that Direct Payments should be the primary means by which families purchase short breaks
- 2.4. This Committee has previously considered proposals relating to the development of Direct Payments and agreement was sought to undertake a consultation process about these including:
- The introduction of 3 levels of Direct Payments relating to Short Breaks - payments to be linked to levels of need and specifically the impact that caring for a child with a disability has upon a family. The suggested indicative levels for Direct Payment were Level 1 (Low £500 pa), Level 2 (Medium £750 pa) and Level 3 (High £1000 pa)
 - The setting of clear eligibility criteria, in order to ensure that Council funded provision is targeted at those in need and to clarify who Short Breaks are for. The suggested eligibility criteria were "A child has a diagnosed disability and is in receipt of DLA and their disability has either:
 - Little or no impact on family and/or minimal risk of family breakdown (Level 1)
 - Moderate impact upon family and/or possible risk of family breakdown (Level 2)
 - Significant/major impact on family and/or significant risk of breakdown (Level 3)"
 - The introduction of a light touch self assessment process supported by Short Breaks Co-ordinators to help to determine eligibility and the appropriate level of Direct Payment

- 2.5. As of September 2016, 399 children have attended various Council-funded activities since April 2016. In addition 55 children have attended various activities provided by Parklands and 44 are currently on the register of Aut Even. There is a decrease from 700 in 2015-16, which is thought to be due to the fact access has been restricted to children up to the age of 18 who are resident in Medway.
- 2.6. Best estimates concerning the numbers of children and young people with a disability living in Medway are as follows:
- 2,780 children in Medway are in receipt of Disability Living Allowance
 - DWP figures suggest 6% of all children have some form of disability – in Medway this equates to just over 4,000 children
 - The Improving Health and Lives website indicates that there are currently;
 - 1144 school age children with a diagnosis of moderate or mild learning disability,
 - 137 children with a diagnosis of severe learning disability
 - 913 children with a diagnosis of autistic spectrum disorder (ASD) (based on figures for 2014)
- 2.7. Recent figures indicate that there are 316 families in receipt of Direct Payments for Children and Young People under the age of 18 following a full assessment by the 0-25 team. The Direct Payments are predominantly used for social care i.e. the provision of a personal assistant.
- 2.8. Since April 2016, the Self Directed Support Team has been taking referrals directly for Short Breaks. Between April and end of August 2016, the team had received 105 referrals. To date 62 of these referrals have resulted in a Direct Payment:
- 16 families received a payment of £1000
 - 35 families received a payment of £750
 - 5 families received a payment of £500
 - 6 families received another amount
 - 43 referrals are still at the stage of being assessed.
- 2.9. Bed based respite continues to be provided mainly via Aut Even. Parklands Resource Centre is continuing to provide a Saturday service and an afterschool club. A review is currently being undertaken about how Parklands Resource Centre can be best used to meet the needs of children and families.

3. Consultation Process

- 3.1. Consultation was carried out with both families and current providers of short breaks provision. Consultation with families was carried out both by a survey and six open meetings, two of which were hosted by Medway Parent and Carers Forum. An event was held for providers in August as well as holding a number of individual meetings.
- 3.2. Full details are provided in the appendix to this report. In summary, 100 surveys were returned and 24 people attended open meetings.
- 3.3. Of the thirteen providers on the Framework for Short Breaks, nine attended the provider event in August and eight providers had an individual meeting, including those who could not attend the event.
- 3.4. Information was provided about Direct Payments as it was clear that for many families, and indeed some providers, there was a lack of proper

understanding of what was meant by Direct Payments and what they could be used for. The most common areas of misunderstanding from families seemed to be that Direct Payments could only be used for employing a personnel assistant, that there was little or no support available to families in administering a Direct Payment and that it might impact upon any benefits which a family received.

4. The Proposals

4.1. **Direct Payments** –overall families were in favour of the principles of Direct Payments and recognised that they potentially offered a greater range of choice as to how they accessed short breaks and what sort of short breaks they used. Indeed families. 65% of respondents agreed with the suggestion that Direct Payments would give them greater choice, control and flexibility in respect of accessing short breaks whilst 20% of respondents neither agreed nor disagreed. 10% said they did not agree, of those six families (6%) are currently in receipt of a direct payment.

4.2. The following table indicates families' views on the proposed levels of payment:

	Agree		Disagree		Neither agree nor disagree		No Reply	
	Count	%	Count	%	Count	%	Count	%
Level one: £500 per year (Little or no impact on family and/or minimal risk of family breakdown)	39	39.00 %	27	27.00 %	21	21.00 %	13	13.00 %
Level two: £750 per year (Moderate impact upon family and/or possible risk of family breakdown)	39	39.00 %	29	29.00 %	18	18.00 %	14	14.00 %
Level three: £1,000 per year (Significant/major impact on family and/or significant risk of breakdown)	49	49.00 %	27	27.00 %	16	16.00 %	8	8.00%

4.3. Key concerns from families around the move towards Direct Payments were based around three main areas:

- The amounts being suggested might not pay for current short breaks provision as provided via those providers on the Framework
- How the proposals would impact on families in receipt of Direct Payments for assessed Social Care needs
- Concerns around not knowing how to spend Direct Payments and the need for further information regarding providers

4.4. It is acknowledged that these are genuine areas of concern and will be addressed in the detail below.

4.5. Feedback from providers has been more mixed. The large event in August did not indicate much, if any, support for the proposals to move towards Direct Payments. The main areas of concern were:

- How the proposal would impact upon their business model and current financial systems
- Difficulty in planning group activities with no guaranteed funding
- Doubt as to the viability of using a model that works in adult care to provide services for children and young people

However, providers recognised there was a fundamental paradox as summarised by the following statement from a senior manager within a provider organisation who also has knowledge of commissioning and is herself a parent of a child with a disability:

- *'as a provider the proposals would cause me considerable difficulties, but can see the rational from a commissioning point of view and as a parent I wish my authority (not Medway) had gone down this route a long time ago*

4.6. Feedback from the 1:1 meetings however gave a more balanced perspective and indeed a more favourable response. Of the eight providers who accepted the offer of a 1:1 meeting:

- 4 were positive regarding the move towards Direct Payments
- 1 indicated that a move towards Direct Payments would be difficult for them but not impossible
- 1 welcomed the direction of travel and had already begun to look at their financial and business model to make their services more attractive and would wish to see what support would be available from Medway
- 1 provider acknowledged that Direct Payments were the direction of travel and may indeed be inevitable and would need to work with Medway to discuss how some of their core/set up costs could be met
- 1 provider indicated that they felt it would be difficult to provide the level of support they currently offer

4.7. **Eligibility Criteria** – Families overall seemed to welcome an attempt to set clear eligibility criteria so that families would have a clear steer as to whether or not they were entitled to additional support. However there were some strong dissenting voices. The objections to the setting of eligibility criteria were based on the perception that:

- It was an attempt by Medway to cut services
- Services should be available to all children with any disability
- It was imposing yet another level of bureaucracy

4.8. Overall, 70% agreed with the proposal, 14% said they neither agreed nor disagreed, 14% said they disagreed and 2% did not respond.

4.9. However, even amongst those families that welcomed eligibility criteria, there was concern that in some instances it was often difficult and time consuming to get a definite diagnosis for their child. The specific issues identified were

- Those children with a perceived disability or range of disabilities as a result of an inherited or rare genetic condition
- Those children who appeared to exhibit behaviours similar to those diagnosed with autism but unable to get a definite diagnosis or having to wait a long time for such a diagnosis
- The increasing use, as perceived by parents, of the term global developmental delay, but meeting some reluctance by clinicians to offer a more definitive diagnosis

- 4.10. Feedback from providers was mixed. There did not appear to be any consensus of opinion from providers on the introduction of eligibility criteria, but 3 main issues were prevalent:
- The proposed eligibility criteria seemed too ambiguous and open to interpretation
 - An assumption that all children with complex needs should be assessed as level 3 and failing to recognise that the level of disability impacts upon families in different ways
 - Difficult to comment without knowing the numbers of children in each level and therefore working out how it may impact upon a business model
- 4.11. **Self Assessment Process** – Overall there was support from families for the introduction of a self assessment process. The numbers of families who attended the meetings enabled officers to go through the self assessment form in considerable detail and to hear some very helpful feedback regarding the proposed form.
- 4.12. Overall, 54% agreed with the proposal, 30% said they neither agreed nor disagreed and 16% said they disagreed
- 4.13. From the outset of designing the proposed form, there had been concern that it should not be too long or onerous for families to complete. Families attending the meetings indicated that even with some additions it would be far less onerous and much shorter than other forms they had to complete i.e. DLA forms and Medway's own application form for a Blue Badge.
- 4.14. Key messages from families in respect of the form and process were:
- Welcome the attempt to introduce a lower level self assessment that did not require involvement from social care professionals
 - Welcome using statements and tick boxes rather than other forms of assessment they had been used to
 - A request to add a section regarding the parents'/carers' emotional and physical wellbeing
 - A request to set the form out differently and have a clearer delineation between information about the child and the parents
 - To ensure the form is accessible in both electronic and paper form and is freely available and accessible in various formats
 - To develop a guide to assist families in completing the form
 - To ensure if a family have more than one child with disability, they only have to complete a single form
 - To ensure that the self assessment form and process is backed up by improving internal systems
- 4.15. Families also were keen to point out that safeguards should be built into the process to both ensure that families who are more able to articulate their needs did not over emphasise the impact that caring for their child had upon them as a family and equally to ensure that other families did not minimise the impact that caring for their child had.
- 4.16. At a very early stage in the consultation, the form and the process was discussed by a number of young people with a disability. This was done in acknowledgement of the fact that young people had emphasised the fact that they felt that the perceptions of young people and their parents were often different. Equally they pointed out that young people over 16 should be

allowed, if needs, be to complete any assessment. Their feedback is as follows:

- They would prefer a self assessment form that is more personalised to young people's needs
- The form is too long and complicated
- The wording needs to be user friendly and to avoid the use of jargon
- The form should be set out differently for young people
- The statements are too negative
- There are sections of the form which a young person would struggle to complete or could not complete

4.17. Feedback from providers, as with their views on Direct Payments and Eligibility Criteria were less supportive although they did, on occasions reflect some of the views of parents:

- Some parents would over or under assess the impact of caring for their child with a disability
- A process that did not involve social workers could be helpful for families
- Whilst the tool is useful, it may be best used in conjunction with a professional's assessment; a parent's assessment of their situation is likely to differ from that of a professional
- Providers would still reserve the right to undertake their own assessment
- A form rarely gives the full picture

5. Advice and analysis

5.1. The analysis of the surveys completed by families and listening to the views expressed by those who attended meetings suggests that overall there is a favourable response to the proposals from families.

5.2. Feedback from current providers, however, is less favourable and could be interpreted, albeit with some notable exceptions, that they would prefer to maintain the current status quo. However the Council's strategic direction in respect of Short Breaks has continued to be to develop a more personalised and person centred approach. This indicates that the views of families are paramount in this next stage of improving the Short Breaks offer and that there is still considerable developmental work to be done with providers.

5.3. Comments expressed by families, especially in the meetings, have provided very useful suggestions for how the proposals need to be adapted and improved.

5.4. Overall, families are of the view that the proposals will more easily enable them to access short breaks, and can provide more individualised and bespoke support than currently exists.

5.5. Families have clearly indicated that they would prefer if some amendments could be made to both the assessment document and the overall process. These amendments could be easily introduced and officers will undertake this in consultation with the Parent and Carer Forum. Officers will be looking at how internal systems can be improved so that we are more responsive to families.

5.6. The Self Directed Support Team are supportive of the view that the Short Breaks Co-ordinators should also offer support to families, as appropriate during the self assessment process.

5.7. The short breaks co-ordinators' role is crucial to the whole process and successful implementation of the proposals. Through the work they have done

to date, they have demonstrated their ability to work with families on a 1:1 basis to understand the family situation and, based on those conversations, identify with the family how they can best achieve a short break using the indicative budgets as determined by the self-assessment. The experience to date is that families have welcomed the open discussion with the co-ordinators and have felt empowered at being able to arrive at their own unique solutions. Some families have opted to buy a piece of equipment to occupy the child and therefore have a break from their normal caring role; others have opted to access a current service or use the Direct Payment to employ a personal assistant to support their child's access to the community. They have also been able to signpost families to other benefits and funding streams.

- 5.8. Feedback from providers suggests that more developmental work needs to be done to support them to adopt new business models.
- 5.9. Officers are looking at the potential of not committing the whole Short Breaks Budget to Direct Payments in 2017/18. Some element could be used to provide some support to current providers or to possibly provide seed funding to others. The details and implications of this need to be considered and will be part of an in-depth analysis of the current market's capacity and willingness to adapt to a new payment regime and how the market responds to an ongoing programme of support.
- 5.10. Families often referred to the fact that they felt Direct Payments could work if more and better information about provision was available. Whilst the Local Offer web site has been improved, families still report that it is not as up-to-date as it could be. During the consultation, it has been acknowledged that for many families social media is a more dynamic and meaningful way of finding out information; often information from other parents is more helpful than a Local Authority Web Site. This is an area that needs further exploration and consideration.
- 5.11. Whilst there was overall support for the setting of eligibility criteria, families did indicate that they frequently experience difficulties in getting a definite and clear diagnosis, and for many families this process can be very timely and in some instances can take years. The use of DLA as an element of the eligibility criteria could be viewed as discriminatory, due to the nationally uneven uptake of this benefit and the specific residency requirements of 26 weeks in the last year. DfE Guidance (The Short Breaks Regulations) indicates that eligibility must be applied with some flexibility in order to ensure fairness to all potential beneficiaries.
- 5.12. In the light of this it is suggested that the eligibility criteria be revised and should now read:

A child normally lives in Medway and has a disability. Disability definition is 'a child who is disabled or whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health and development, or their health and development will be significantly impaired without the provision of services. (Section 17 of the Children Act 1989).' The disability has:

- Little or no impact on family and/or minimal risk of family breakdown (Level 1)
- Moderate impact upon family and/or possible risk of family breakdown (Level 2)
- Significant/major impact on family and/or significant risk of breakdown (Level 3)

5.13. The conclusions following the consultation are that work should commence to implement the proposals with effect from the start of 2017/18, and the eligibility criteria be amended as per the above statement

6. Risk Management

6.1. A full Diversity Impact Assessment is attached at Appendix 2. The following table outlines the key risks and strategies to mitigate those risks:

No.	Risk	Description	Action to avoid or mitigate risk	Risk rating
1	Provision of services	The levels of direct payment may not be sufficient for families to purchase from current providers	Providers on the Council's new Framework Agreement were advised that the Council hoped to move towards Direct Payments as the main vehicle for purchasing of services Work with providers to support them in developing new financial and business models	B2
2	Direct Payments	Families have difficulty in spending their Direct Payments	The Short Breaks Co-coordinators have a specific role to advise and support families in using Direct Payments Improved information about provision through both the Local Offer and exploring the use of Social Media	B2
3	Self assessments	Families may not accurately assess their own level of need	The Short Breaks Co-coordinators will support families through the process and will screen and filter all self assessments	C2
4	Demand	There are potentially a larger number of children and young people who may wish to use provision than currently do. This could place pressure on the budget	Ensure robust use of eligibility criteria Work closely with providers to ensure cost effective provision	B2
5	Low uptake of Direct Payment	Families may refuse a Direct Payment	The Short Breaks Co-coordinators will work with the family to determine their reasons and if necessary purchase provision on their behalf	C2

6	Unwillingness /inability of providers to change	Current providers may not choose to adopt a model in keeping with the Council's strategic direction	Medway made clear its intentions regarding the direction of travel when establishing the framework. Officers will continue to work with providers.	
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7. Consultation

- 7.1. This report services to inform Members of feedback from the consultation exercise. Comments from this committee will be added to the report submitted to Cabinet in order to get approval for the implementation of the proposals, in a revised form

8. Implications for Looked after Children

- 8.1. Short Breaks are a key part of the Council's early help work to prevent children with disabilities becoming LAC. Short Breaks provide valuable respite for families and carers as well as foster carers if a child comes into care.

9. Financial Implications

- 9.1. There are no direct financial implications as a result of this paper, however, the expectation is that any re-provision of short break services through direct payments and any continued support for current providers would be met through the existing budget allocation.

10. Legal Implications

- 10.1. Under Paragraph 6(1)(c) of Schedule 2 of the Children Act 1989, local authorities are required to provide services designed to assist individuals who provide care for disabled children to continue to do so, or to do so more effectively, by giving them breaks from caring.
- 10.2. As part of the Breaks for Carers of Disabled Children Regulations 2011, in performing the duty set out under Paragraph 6(1)(c) of Schedule 2 of the Children Act 1989, local authorities must provide, so far as is reasonably practicable, a range of services which are sufficient to assist carers to continue to provide care or to do so more effectively. In particular, local authorities 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.
- 10.3. Local authorities are required to publish their Short Breaks Offer in a Short Break Statement which Medway is required to do.
- 10.4. Following consultation the committee is asked to note and comment on the proposals set out in the report for Medway which is within the remit of the committee to consider.

11. Recommendations

- 11.1 Committee is asked to note the contents of the report, comment on the proposals outlined in the report and recommend them to Cabinet for approval.

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Appendices

Appendix 1 - Findings from the Short Breaks Survey 2016

Appendix 2 - Disability Impact Assessment

Background papers

None

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APPENDIX 1:

Findings from the Short Breaks Survey 2016

Short break services are designed to assist families that have a disabled child to continue to provide care, or to do so more effectively, by giving them breaks from caring.

Statutory guidance states that “The breaks usually have two aims, to enable the child to participate in safe, fun and interesting activities and to provide a break from caring for the parent/carers”.

During 2014 Medway Council reviewed its short breaks provision and the review made a number of recommendations:

- Council-funded short breaks should be targeted at those families in greatest need.
- Families should be offered the option to have personalised budgets, both in line with Government policy and to allow families greater choice and flexibility.

Historically, a disabled child has been assessed as having a need for a short break and, from this an offer has been made as to which service or services the family can access to meet their child’s needs. This process has not been very transparent, has relied on professionals making decisions for families about which services they think will best meet a child’s needs and has used a restrictive assessment process.

In view of this Medway Council is proposing to make some changes in the way community-based short breaks for disabled children and young people are accessed and paid for. The proposed changes are:

- To introduce three levels of direct payments as the main way for families to purchase short breaks
- To introduce a transparent eligibility criteria for short breaks
- To introduce a self-assessment so that parent/ carers do not have to undertake a bureaucratic process.

Methodology

The consultation process started on Monday 27th June 2016 and finished on Friday 16th September 2016.

The aim of the consultation was to find out:

- Whether or not respondents agreed or disagreed with the suggestion that a self-assessment should be carried out in order to determine if a family is eligible for short breaks funding
- Respondents' opinions on the proposed eligibility criteria: should a child with a diagnosed disability be in receipt of Disability Living Allowance (DLA) or Personal Independent Payment (PIP)
- Views on the suggested amounts of direct payments to be paid to families for short breaks
- If there is anything further that we need to consider before making final decisions.

At the start of the consultation, surveys were sent directly to 350 families across Medway that we knew had or were accessing short breaks activities. Copies of the information packs including the questionnaire and pre-paid envelopes were also sent to providers so they could forward onto their users.

Respondents had the option to complete a paper survey and return in a pre –paid envelope, complete an online survey (17 respondents completed online), telephone call (which no respondent did) or email their comments (which no respondent did).

Families were also invited to attend a workshop to find out more about the proposed changes. Twenty four parents took up this offer and one parent took up the offer of a one to one session. A webpage was also set up that gave those that were interested further information on what was being proposed. There were 125 views of this page.

During the first four weeks of the consultation only twenty questionnaires were returned. This raised concerns so a further 220 questionnaires were sent out to those using direct payments and an additional 250 questionnaires were sent out to those on the SEN register who had a child with either complex and or high needs.

During information sessions that were run, we did receive a number of comments from parents to say they had received several copies of the questionnaire.

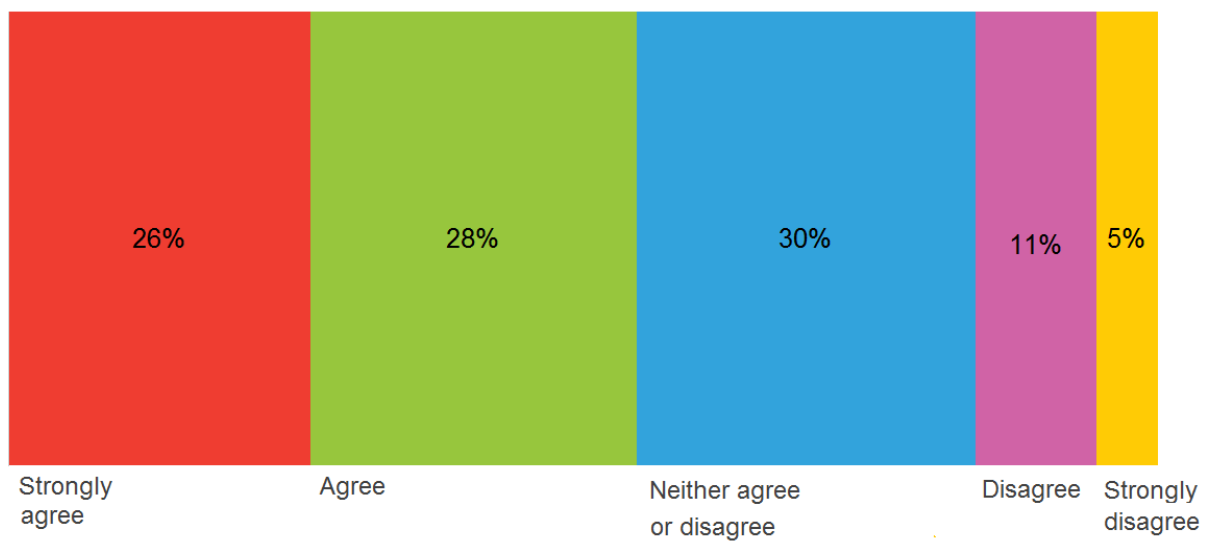
Findings

There were 100 respondents to the survey. Of those, 37% said their child is currently accessing council funded short breaks.

Nearly half of respondents (47%) said they are in receipt of direct payments.

The Proposal – Self Assessment

Respondents were asked how much they either agreed or disagreed with - *“It is proposed that a self-assessment should be carried out in order to determine if a family are eligible for a council funded short breaks service”*.



Overall, 54% agreed with the proposal, 30% said they neither agreed nor disagreed with the suggestion and 16% said they disagreed

Of those that disagreed with the proposal, seven respondents said they are currently assessing council funded short breaks.

The table below shows how much respondents either agreed or disagreed with the proposed self-assessment idea by their child's disability (Please note: respondents could have picked more than one disability)

Number of Respondents (shown as a count)	It is proposed that a self-assessment should be carried o...					
	No reply	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Which most closely describes your child's disability						
Autistic Spectrum Disorder	1	15	14	11	7	5
Behavioural, emotional & social difficulties	-	17	17	13	6	3
Hearing Impairment	-	-	3	1	-	-
Visual Impairment	-	2	3	7	1	1
Speech, learning & communication needs	2	14	15	15	6	2
Physical disability	2	7	12	11	2	1
Moderate learning disabilities	-	4	5	8	5	2
Severe learning disabilities	1	9	11	7	1	1
Specific learning disabilities	-	1	5	10	-	1
Profound & multiple learning disabilities	-	2	5	6	1	1
Other	-	9	2	9	2	-
Prefer not to say	-	-	1	1	-	-

Some concerns were raised about the current system:

- Disabled children should have access to the same provision as their peers
- The current system for direct payments is slow and complex. There were a couple of parents that expressed concerns because they felt they were pushed from one department to another
- At presents direct payments do not cover all the support received. One respondent though that increasing the use of direct payments was a cost cutting exercise.

Concerns about the suggestion of self-assessment:

- Having to tell your story again some respondents felt there was already too much form filling and assessments. Comments were made as to the council should already know who would qualify.
- Whether or not some families would be honest when completing the self-assessment. It was felt that some could exaggerate their needs in order to get higher levels of direct payment. Some suggested having an independent assessment to make it fair
- It was highlighted that some parent/carers would find completing the assessment form difficult due to reading and writing issues. Or simply not understanding the form or how to assess their own needs

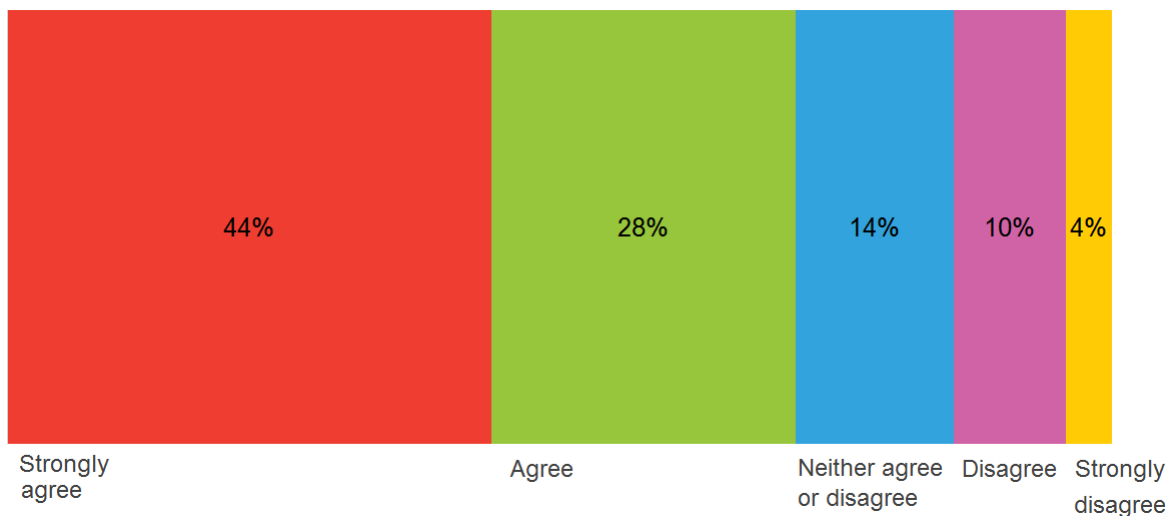
- Concerns were raised that the process might limit choice
- Comments were made that families are different and so are their needs

Positive comments:

- Assessment would ensure that a child is getting the right service at the right time
- It would ensure that information on the child was accurate and up to date
- Would enable parent/carers to know if they are eligible
- The self-assessment processes would be quicker. One respondent said “great idea it should save time and make things less stressful and family’s in greatest need can have access to funds”.

The Proposal – Eligibility Criteria

Respondents were asked how much they either agreed or disagreed with - *“The proposed eligibility criteria are that a child should have a diagnosed disability and is in receipt of Disability Living Allowance (DLA) or Personal Independent Payment (PIP). Please tell us how much you either agree or disagree with the eligibility criteria.”*



Overall, 70% agreed with the proposal, 14% said they neither agreed nor disagreed with the suggestion and 14% said they disagreed.

Out of those that said they disagreed with the proposal, eight respondents said they are accessing council funded short breaks.

Comments:

- Not all children having a diagnoses or a statement although families are still needing support
- Concerns that not all families apply for DLA/PIP

APPENDIX 1

- This process might exclude those with a rare condition because they have no formal diagnoses for example: Chromosome abnormalities
- Not all families are successful in qualifying for DLA/PIP but still need help

The table below shows how much respondents either agree or disagree with the proposed eligibility criteria by their child's disability. (Please note: respondents could have picked more than one disability)

Number of Respondents (shown as a count)	The proposed eligibility criteria are that a child should...					
	No reply	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Which most closely describes your child's disability						
Autistic Spectrum Disorder	-	21	14	9	7	2
Behavioural, emotional & social difficulties	-	24	12	11	6	3
Hearing Impairment	-	2	-	-	2	-
Visual Impairment	-	6	3	-	4	1
Speech, learning & communication needs	-	26	12	8	6	2
Physical disability	-	21	10	2	1	1
Moderate learning disabilities	-	8	6	5	3	2
Severe learning disabilities	-	21	6	1	1	1
Specific learning disabilities	-	4	6	2	3	2
Profound & multiple learning disabilities	-	8	6	-	-	1
Other	-	11	4	3	4	-
Prefer not to say	-	-	1	1	-	-

The Proposal – Level of Direct Payments

Respondents were asked how much they either agreed or disagreed with – *“It is proposed once a family has been assessed as needing short break support they will be awarded one of three direct payment levels.”*

The table below shows how much respondents either agreed or disagreed with the suggested direct payment amounts.

	Agree		Disagree		Neither agree nor disagree		No Reply	
	Count	%	Count	%	Count	%	Count	%
Level one: £500 per year (Little or no impact on family and/or minimal risk of family breakdown)	39	39.00 %	27	27.00 %	21	21.00 %	13	13.00 %
Level two: £750 per year (Moderate impact upon family and/or possible risk of family breakdown)	39	39.00 %	29	29.00 %	18	18.00 %	14	14.00 %
Level three: £1,000 per year (Significant/major impact on family and/or significant risk of breakdown)	49	49.00 %	27	27.00 %	16	16.00 %	8	8.00%

Level one: Overall 39% of respondents said they agreed with the suggested level of direct payments however 27% said they disagreed.

37 respondents to this survey said they are currently accessing council funded short breaks of those 14 said they disagreed with the proposed level one amount of direct payments.

Level two: 39% said they agreed with the suggested level two direct payment amount although 29% said they disagreed.

17 respondents currently receiving council funded short breaks said they disagreed with the suggested amounts.

Level three: Nearly half of respondents 49% said they agreed with the suggested amount of direct payment with 27% of respondents saying they disagreed.

17 respondents currently receiving council funded short breaks said they disagreed with the suggested level.

APPENDIX 1

The table shows how much respondents either agreed or disagreed with the proposed level one direct payment amount but their child's disability. (Please note: respondents could have picked more than one disability)

Number of Respondents (shown as a count)	No reply	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Which most closely describes your child's disability						
Autistic Spectrum Disorder	6	7	14	10	7	9
Behavioural, emotional & social difficulties	5	10	14	12	6	9
Hearing Impairment	1	-	-	2	-	1
Visual Impairment	3	-	4	3	3	1
Speech, learning & communication needs	10	7	11	12	6	8
Physical disability	6	4	10	7	5	3
Moderate learning disabilities	2	5	8	6	1	2
Severe learning disabilities	6	3	6	6	4	5
Specific learning disabilities	2	1	4	4	4	2
Profound & multiple learning disabilities	2	1	5	2	1	4
Other	3	2	5	5	5	2
Prefer not to say	-	-	-	1	1	-

The table shows how much respondents either agreed or disagreed with the proposed level two direct payment amount but their child's disability. (Please note: respondents could have picked more than one disability)

Number of Respondents (shown as a count)	No reply	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Which most closely describes your child's disability						
Autistic Spectrum Disorder	6	5	17	9	7	9
Behavioural, emotional & social difficulties	7	8	14	9	8	10
Hearing Impairment	1	-	-	2	-	1
Visual Impairment	1	-	8	2	2	1
Speech, learning & communication needs	11	4	12	10	8	9
Physical disability	7	3	11	6	4	4
Moderate learning disabilities	3	4	6	5	4	2
Severe learning disabilities	7	2	8	5	3	5
Specific learning disabilities	-	1	7	2	5	2
Profound & multiple learning disabilities	2	1	5	2	1	4
Other	1	2	7	5	5	2
Prefer not to say	-	-	-	1	1	-

The table shows how much respondents either agreed or disagreed with the proposed level three direct payment amount but their child's disability. (Please note: respondents could have picked more than one disability)

Number of Respondents (shown as a count)	No reply	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Which most closely describes your child's disability						
Autistic Spectrum Disorder	4	10	16	8	6	9
Behavioural, emotional & social difficulties	5	12	13	9	6	11
Hearing Impairment	1	-	1	1	-	1
Visual Impairment	1	1	9	1	1	1
Speech, learning & communication needs	6	11	13	7	6	11
Physical disability	3	9	12	4	3	4
Moderate learning disabilities	3	5	6	5	2	3
Severe learning disabilities	2	8	9	3	3	5
Specific learning disabilities	-	1	7	2	4	3
Profound & multiple learning disabilities	1	1	6	2	1	4
Other	-	5	7	4	3	3
Prefer not to say	-	-	-	1	1	-

Comments about payment levels

- There seemed to be real concern in terms of the level of direct payments on offer and whether or not it would be enough to buy short breaks, especially those with high and complex needs. An example given by one respondent was that her child needs two carers to help with transfer and changing
- It was felt the cost should be more aligned to the actual cost of getting a service.
- Concerns were also raised about whether or not they would be able to buy services/ spend the money. An example given was that there were not enough Personal Assistants (PA's) in Medway
- The amount of direct payments on offer would not give families much of a break and it was also felt that it would be less of a service to what they are currently getting now.

Respondents were asked whether or not they agreed with the statement *“The allocation of a personal budget would give families greater choice, control and flexibility”*

Overall, 65% of respondents agreed with this suggestion, 20% of respondents neither agreed nor disagreed.

Ten respondents said they did not agree, of those six are currently in receipt of a direct payment.

The table shows how much respondents either agreed or disagreed by their child's disability. (Please note: respondents could have picked more than one disability)

Number of Respondents (Shown as a count)	Please say how much you either agree or disagree with the...					
	No reply	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Which most closely describes your child's disability						
Autistic Spectrum Disorder	2	24	12	11	3	1
Behavioural, emotional & social difficulties	1	22	17	11	3	2
Hearing Impairment	1	-	1	1	-	1
Visual Impairment	1	5	5	1	1	1
Speech, learning & communication needs	3	18	14	11	4	4
Physical disability	1	11	12	5	2	4
Moderate learning disabilities	-	10	6	6	1	1
Severe learning disabilities	2	11	7	6	2	2
Specific learning disabilities	-	3	9	4	-	1
Profound & multiple learning disabilities	1	3	3	5	1	2
Other	-	12	4	4	1	1
Prefer not to say	-	-	-	2	-	-

Direct comment from those already receiving direct payments

- There are not enough one to one places available. How would we be able to conduct criminal checks on assistants and keyworkers? Care cost more than your suggested levels especially when there are enhanced needs.
- In my case my son would benefit more being around others like him - he has toys and a computer, has holidays but has no interaction / social skills.
- I would rather my direct payment go to a respite place or person than find a holiday or day out myself
- The DP should be used solely for the disabled person or the family as a whole not leaving out the disabled person

Comments from other respondents as to why they disagreed

- It will create more work for us as a family
- At present there is only one scheme available to my child.
- The services aren't there to purchase, families are then stuck trying to employment someone.

Anything else we needs to consider

Suggestions:

- Ensure staff are trained prior to rolling out new scheme
- Be clear on what direct payments can be used for. Examples of what other families have done would be useful
- A contact number in case those completing the assessment form gets stuck and need a bit of help
- Ensure there is choice and flexible services to purchase especially for those with high and complex needs
- This should not be about a reduction of service
- Remember every family is different and so are their needs

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Diversity Impact Assessment

TITLE <i>Name/description of the issue being assessed</i>	Proposals regarding eligibility criteria and Direct Payments for families to access Short Breaks
DATE <i>Date the DIA is completed</i>	October 2016
LEAD OFFICER <i>Name of person responsible for carrying out the DIA</i>	Gerry Flanagan

1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

Medway re-commissioned its Short Breaks provision in respect of families/carers of children and young people with disabilities following a review of Short Breaks in 2014.

Key to the re-commissioning has been the strategic intention to:

- Ensure that families and young people are able to exercise far more choice and control over how they accessed short breaks provision
- To ensure that Council funded provision and resources are targeted at those families in greatest need
- To seek to move away from the reliance on traditional bed based respite.

The Council has previously indicated its wish to move towards Direct Payments as being the primary way by which Short Breaks are purchased. Previously (pre April 2016), they had predominantly been grant funded, accessed directly by families and providers ultimately made decisions as to suitability of children and young people for short breaks provision. The funding system did not address the need to ensure that the Council targeted its resources at those in greatest need.

Direct Payments allow families far more flexibility in how they access short breaks and are in line with Government Policy as indicated within the Children and Families Act 2014, which requires Local Authorities to offer families the choice of having a personalised budget to better enable them to have more control over the services they use.

Following a period of consultation, the Council is proposing to introduce the following proposals:

- To introduce Direct Payments as the main vehicle for families to purchase short breaks from April 2017. The indicative levels of Direct Payment are to be linked to levels of need and impact of disability upon a family. The indicative levels will be:
 - £500 pa (Level 1)
 - £750 pa (Level 2)
 - £1000 pa (Level 3)
- To introduce eligibility criteria linked to the levels of Direct Payment. The eligibility criteria will be as follows :

A child normally lives in Medway and has a disability. The disability has either:

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- Little or no impact on family and/or minimal risk of family breakdown (Level 1)
- Moderate impact upon family and /or possible risk of family breakdown (Level 2)
- Significant/major impact on family and/or significant risk of family breakdown (Level 3)

Determination of eligibility criteria will be achieved through a light touch self assessment process.

- c) The introduction of a light touch self assessment process, supported by Short Breaks Co-ordinators to help to determine eligibility and the appropriate level of Direct Payment.

2 Summary of evidence used to support this assessment

- *Feedback from consultation, performance information, service user records etc.*
- *Comparison of service user profile with Medway Community Profile*

A consultation exercise was carried out between June and September 2016.

The consultation exercise was conducted in the following ways:

- Open meetings with families at various venues and at various times of the day;
- Meetings with service providers;
- A web based survey that was also available as a hard copy sent out in mailings to families
- A mailing to families who access short breaks informing them of the consultation exercise and how they can contribute to it;

24 parents attended meetings; 100 people responded to the surveys

At the start of the consultation, surveys were sent to 350 families; this was followed up by asking providers to give hard copies of the mailing to families using their services over the summer holidays

The proposals have been developed in line with:

- Previous Council decisions regarding short breaks as informed by the Short Breaks Review 2014;
- The Breaks for Carers of Disabled Children Regulations 2011* (aka Short Breaks Regulations) and The Children and Families Act 2014

The 3 proposals that were the subject of consultation were:

- a) To introduce Direct Payments as the main vehicle for families to purchase short breaks. Subject to a consultation exercise it is proposed to introduce this in April 2017. The levels of Direct Payment to be linked to levels of need and impact of disability upon a family. The levels are:
- £500 pa (Level 1)
 - £750 pa (Level 2)
 - £1000 pa (Level 3)
- b) To develop eligibility criteria linked to the levels of Direct Payment. The suggested eligibility criteria is as follows:

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A child has a diagnosed disability and is in receipt of DLA and their disability has either:

- Little or no impact on family and/or minimal risk of family breakdown (Level 1)
- Moderate impact upon family and /or possible risk of family breakdown (Level 2)
- Significant/major impact on family and/or significant risk of family breakdown (Level 3)

Determination of eligibility criteria will be achieved through a light touch self assessment process

c) The introduction of a light touch self assessment process.

The results of the survey are as follows:

Overall 39% of respondents agreed with the suggested rates of Direct Payments at Level 1 and Level 2, raising to 49% in respect of level 3. 27% disagreed with the levels in respect of Level 1, 29% in respect of level 2 and 27% in respect of level 3. But in responding to the statement, *'The allocation of a personal budget would give families greater choice, control and flexibility'* 65% of respondents were in agreement,

Overall 70% agreed with the proposals regarding eligibility criteria, 14% disagreed and 14% neither agreed or disagreed. However both service providers and families pointed out that there were often significant delays in obtaining a diagnosis and that there may be a low uptake of benefits. Additionally use of benefits could be viewed as discriminatory due to their being a residency requirement of 26 weeks in the last year. DfE Guidance (Short Breaks Regulations 2011) indicates that eligibility criteria must be applied with some flexibility in order to ensure fairness.

Overall 54% agreed with the proposal regarding self assessment, 16% disagreed, and 30% neither agreed or disagreed. In discussions at the meetings, there was clear evidence that families would benefit from support from the Short Breaks Co-ordinators in completion of the self assessment document, that Medway should add additional questions regarding parents physical and emotional well being and that the document should be re-arranged and there be some guidance notes produced.

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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?

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)			

4 Summary of the likely impacts

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

At this stage, the proposals relate only to community based provision and do not apply to the use of bed based short breaks provision.

Potentially the proposals will impact upon all families who wish to access Council funded Short Breaks

The proposals will ensure greater equity in the use of community based short breaks provision, will enable families to explore a wider range of services, that will not restrict them to services which are provided on the Framework and will enable the Council to better target its resources to those in greatest need. The self assessment tool and the involvement of the Short Breaks Co-ordinators will ensure that there is greater potential for bespoke and individualised responses to need. A number of families have indicated that they have struggled to spend their Direct Payments historically and were concerned that there was not enough information regarding short breaks provision in the public domain.

The proposals will allow more families to access short breaks than currently do so; it will be clearer who is eligible for a Council funded Short Break as will also be the process for applying for help to fund a Short Break

During the consultation the Council were informed that some of the concerns of parents in relation to the self assessment were that even though it was a light touch document there may be parents who would struggle to complete the form as accurately as possible either due to literacy or language

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difficulties or their reluctance to accurately comment upon the impact that their child with a disability had upon them

Equally some families who currently access a wide range of short breaks may have their access limited or may be in a position whereby their Direct Payment may not enable them to purchase the same amount of services they currently enjoy.

Not all families may choose to access a Direct Payment and the Council does not have the powers to insist that they do. The Council does have the power however to allocate a personal budget that is equivalent in value to a direct payment ; whilst the Council can manage the Direct Payment on their behalf, this will limit the choices available to families. The Council will only be able to purchase services from the Framework.

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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?*

The Council has commenced work with providers regarding how they build their costs; this work will be to seek to get them to be far clearer in what they charge and in being transparent about the numerous components of their costs. Current costs charged by providers do not reflect a system whereby Direct Payments will be the main vehicle for families to purchase their short breaks; they reflect a system based on grant payments by the Council. This work together with further development work with providers and the identification of what support they may require in the future should ensure that their costs are more in line with what the Council is able to pay to families via Direct Payments and thereby making them more accessible to families with Direct Payments

The short breaks co-ordinators will support families through the self assessment process (when required to do so) in order to ensure that families accurately reflect their level of need. The completed self assessment documents will be screened by the co-ordinators. Additionally a key part of the process is that whenever a self assessment results in a family being deemed as Level 3, a conversation will be triggered with the 0-25 team to determine if the family require additional support to meet their needs.

Discussions with families indicated that the proposed self assessment document requires some additional work to both make it more accessible and to cover some additional areas e.g. emotional and physical well being; these changes will be made; the Parent Forum will be partners in the redevelopment of the form

Additionally the short breaks co-ordinators will work with families in exploring how best to utilise their direct payment and will develop a close relationship with providers in order to facilitate discussions about more effective use of direct payments and to seek creative and bespoke responses from providers.

The Council has recently updated its Local Offer web site; this will be updated on a regular basis. However families often discover a provider unknown to the Council and use social media to inform other families. The Self Directed Support Team are exploring developing a Face Book page; the Medway Parent Carers Forum in addition to their family based page, have developed a professionals page. The Council in partnership with the Forum will be exploring how to make the most effective use of these pages to provide up to date information to families.

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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
Present report to Cabinet to seek approval for consultation process	Gerry Flanagan	October 2016
One to one meetings with current providers to assess needs and status regarding Direct Payments	Gerry Flanagan	October to November 2016
Initial Developmental Session for Providers	Gerry Flanagan	November 2016
Implementation plan to be drawn up	Gerry Flanagan	Oct/Nov 2016
Redesigned self assessment form to be agreed	Gerry Flanagan/Karen Pye	End Nov 2016
Preparation for implementation	TBD	November 2016 to March 2017
Implementation	TBD	April 2017

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

...

Date

...