

## CABINET

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### SHORT BREAKS PROVISION FOR CHILDREN WITH DISABILITIES AND THE LOCAL OFFER

Portfolio Holder: Councillor Andrew Mackness, Children's Services  
(Lead Member)

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#### Summary

This report informs Cabinet of the results of the recent consultation concerning the move towards Direct Payments being the main tool for families to purchase community based Short Breaks. It also provides detail regarding the implications of the proposals for providers.

In addition, the report provides Cabinet with an overview of the proposed changes to enhance the overnight Short Breaks service currently provided at Aut Even.

#### 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; updating when either provision or eligibility criteria change.

1.2. The legal and policy framework under which Short Breaks are provided is:

- *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 It is estimated that 2,780 children in Medway are in receipt of Disability Living Allowance. The DWP figures suggest 6% of all children have some form of disability; in Medway this equates to just over 4,000 children
- 2.2 In September 2014, Cabinet approved the Short Break Policy for Disabled Children and Young People in Medway, which had been developed in response to the recommendations arising from a review of Short Breaks, feedback from children, young people and parents and the legislative requirements stated in the Children & Families Act 2014.
- 2.3 Approval to recommission Short Breaks was granted by Cabinet in December 2014 and, following an extensive procurement process, the successful applicants to the Framework Agreement for Short Breaks were approved by Cabinet in January 2016; the implementation of the framework starting on 1 April 2016.
- 2.4 In June 2016, Cabinet agreed that officers commence consultation on proposals for how families would access community based Short Breaks provision, the suggested eligibility criteria and the proposal that Direct Payments would be the main tool by which families purchase Short Breaks. The consultation exercise, with all interested parties, would run from June to September 2016.
- 2.5 The consultation process included:
- 2.5.1 **Direct Payments** - The introduction of three levels of Direct Payments relating to Short Breaks, with payments linked to level 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, signposting to universal, community and voluntary services and/or a discretionary payment (Low £500 pa)
    - Level 2 (Medium £750 pa)
    - Level 3 (High £1000 pa)
- 2.5.2 **Eligibility Criteria** - 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 family breakdown (Level 3)

2.5.3 **Self Assessment Process** - The introduction of a “light touch” self assessment process supported by Short Breaks Co-ordinators in the Self Directed Support team to help to determine eligibility and the appropriate level of Direct Payment.

2.6 The Short Breaks Regulations indicate that Short Breaks should not just be for families at the time of crisis but should be available to enable a carer/parent to provide more effective parenting and care. They refer to research that suggests that the provision of early support and low level intervention reduces the need for emergency and long term placements and can contribute towards cost savings across a range of services, for example:

- The cost to the family from parents not being in work;
- The cost to employers and the health service from parents’ stress;
- The cost to schools from educating siblings with emotional and behavioural difficulties.
- The cost of foster care or a residential placement due to family breakdown;
- The cost to social and educational services of caring for a disabled child outside the family home; and
- The cost to the family of separation and marital breakdown.

2.7 The Council’s strategic approach to the recommissioning and provision of Short Breaks is:

- 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

- 2.8 The proposals outlined in this paper relate to clarifying and strengthening the role of Short Breaks as a form of early intervention. This will potentially reduce both cost and pressures elsewhere in the system and free up the 0-25 disability team's resources so that they are better placed to meet the needs of those children and young people who meet the thresholds for social care; potentially reducing the need for more intensive and costly interventions at a future stage in a child or young person's life.
- 2.9 Much of the provision currently funded via Medway's Short Breaks Budget falls into the early intervention category. Medway provides a wide spectrum of Short Breaks ranging from low level provision through to bed based provision either on a planned or emergency basis; the majority of it is designed for low level provision.
- 2.10 Between April 2016 and January 2017 the Self Directed Support Team received 191 referrals
- 48 families received a payment of £1000
  - 79 Families received a payment of £750
  - 12 Families received a payment of £500
  - 13 families received an other amount because of unique circumstances
  - 4 families did not require a payment
  - 35 families are in the process of set up

### **3. Proposed changes to the In-house Short Break Provision.**

- 3.1 The majority of overnight short breaks (bed based provision) are provided at Aut Even. Aut Even is regulated by Ofsted and subject to the Children's Homes (England) Regulations 2015. It is jointly funded by Medway Council and Medway Clinical Commissioning Group as part of the continuum of care for disabled children and their families. Medway Council is responsible for the management of the unit and since September 2016 all staff working at the unit are employed by Medway Council. Children are referred to the unit by the 0-25 Social Work team.
- 3.2 Aut Even supports children with learning disabilities with a range of needs from severe learning disabilities to complex, sensory impairment, deaf blind, wheelchair dependent, and a range of children on the autistic spectrum. It currently serves 49 children on overnight stays and another four children enjoying tea visits. The children are grouped in terms of needs, risk and compatibility. It can cater for up to 5 children on an overnight stay. The staffing for each group will fluctuate dependent upon their behavioural presentation, ability to communicate, medication and health needs, and age. It is hoped that in the early part of 2017 a dedicated team of voluntary workers can be developed
- 3.3 All the children have planned visits of three overnight stays on a cycle of every six weeks (alternating weekends and weekdays.) Some children with more

complex needs are on a cycle of every three weeks also alternating weekdays and weekends.

- 3.4 In 2017, it will be expanding its Thursday club, which currently works with 5 children, increasing it to up to 20 children to provide them with the opportunity to socialise and to gain independent living skills. The activities will take place within Aut Even and/or within the local community.
- 3.5 Aut Even is valued by young people and their parents; however the building is not fit for purpose for children with disabilities which mean that additional staffing has been required to ensure fire safety regulations are met.
- 3.6 The service is provided within a building that has been adapted over the years in an attempt to meet the needs of children and young people with complex needs and disabilities; there are a number of structural challenges which prevent the service being provided to children with specific needs, it is also preventing the service from expanding. In addition, further DDA compliance issues have been identified; along with the need for a new fire escape.
- 3.7 New builds directly opposite Aut Even have created problems with parking and increases risk to children with disabilities arriving/departing Aut Even safely; manoeuvring the mini-bus is becoming increasingly difficult.
- 3.8 There are no alternative overnight short break provisions for children with disabilities in Medway and children who are unable to attend Aut Even receive a service at a provision in Kent.
- 3.9 The Lead Member has asked officers, in conjunction with the CCG, to look at whether we could re-provide over night short breaks elsewhere, in a building that is fit for purpose and enables the Council and the CCG to expand their offer.
- 3.10 Parklands currently provide an after school, Saturday club and holiday club for children with disabilities. It is a purpose built accommodation which is underutilised and is thought to be an option to transfer the Aut Even overnight short breaks service to.
- 3.11 It is proposed that the expansion of the service would offer:-
  - A six bedded provision for over night short breaks.
  - During term time the overnight provision will be used by the children after school, overnight and in the morning until the children are picked up and taken to school.
  - During the summer holidays and half terms the overnight provision will be looking after the children on their short breaks day during the daytime as well.
  - A special needs playgroup facility between the hours of 9:00 hours 13:00 hours.
  - Family assessments/contact assessment provision for Children with Disabilities between 9:00 hours and 13:00 hours - term time only.

- An office base for outreach provision operating between 10:00 and 20:00 hours Monday to Saturday.
  - After-school play scheme operating between the hours of 15:00 hours to 18:30 hours. This will be in term time only - Monday to Friday.
  - Holiday scheme, changing from the current all day provision and in future, providing two sessions between 10:00 to 13:00 hours and 14:00 to 19:00 hours. This will increase the service we can offer to 20 children a day during the holidays. This will reduce pressure that many families experience when schools are closed.
  - Saturday play scheme changing from the current all day provision and in future, providing two sessions. As above this will increase the service we can offer and reduce pressure for families.
- 3.12 This proposal clearly demonstrates that the service offered to children with disabilities and their families/carers will be a far superior service to that currently provided.
- 3.13 Capital monies in the Aiming High budget can be used to change Parklands into the overnight provision and resource centre usage.
- 3.14 The business case for the proposed service will look at how the Council delivers the service within budget, as it currently presents a budget pressure.
- 3.15 In line with governance processes, any changes to the service will need to be approved by Medway Clinical Commissioning Group, as it is a jointly funded provision.
- 3.16 A full feasibility study will be carried out to determine whether the Parklands building is suitable and to establish actual cost.
- 3.17 The Parklands site has the potential space to further expand the service we offer to children and families in Medway and we will be looking at opportunities to develop the site to provide a family assessment centre.
- 3.18 The use of the Aut Even building will be reviewed and consideration given to its future use. Officers will develop a business case concurrently with a public consultation to identify potential use and efficiencies. This is also part of a wider review of building assets to transform Children's Services. There is significant potential in utilising the current Aut Even site for children's services which will support the transformation agenda to accommodate Medway Looked After Children (LAC) and care leavers in Medway and prevent escalation to expensive specialist services.
- 3.19 It is proposed to Cabinet that:-
- Discussions with the CCG are started regarding proposed changes to the overnight short breaks provision.
  - An 8 week public consultation is carried out to gain feedback from all interested parties in respect of the proposal.

- A paper is returned to Cabinet in due course, providing feedback from both the CCG and the consultation, along with a detailed business case including building and service delivery costs for the parklands site to enable Cabinet to make an informed decision about service transformation.
- Delegated authority is granted to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to determine the future use of the Aut Even site on the basis set out in paragraph 3.18 of the report, subject to the outcome of public consultation on overnight short breaks provision.

#### **4. Community Based Short Breaks Consultation Process**

- 4.1 As approved by Cabinet on 7 June 2016, a consultation was carried out with parents/carers and young people and current providers of Short Breaks provision. Consultation with families/carers 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.
- 4.2 Full details are provided in Appendix 1 to this report. In summary, 100 surveys were returned and 24 people attended open meetings.
- 4.3 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.
- 4.4 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.

#### **5. Community Based Short Breaks – Feedback from Consultation**

- 5.1 **Direct Payments** – overall, families were in favour of the principles of Direct Payments and recognised that they potentially offer a greater range of choice as to how they access Short Breaks and what sort of Short Breaks they use.

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.

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

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

5.2 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

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

5.4 Feedback from providers at the 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



5.5 However, feedback from the 1:1 meetings 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

5.6 **Eligibility Criteria** – Families overall seemed to welcome an attempt to set clear eligibility criteria so that they 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

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

5.8 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

5.9 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

5.10 **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.

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

5.12 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.

5.13 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
- 5.14 Families 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.
- 5.15 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
- 5.16 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

## **6. Advice and analysis**

- 6.1 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.
- 6.2 Comments expressed by families, especially in the meetings, have provided very useful suggestions for how the proposals need to be adapted and improved.
- 6.3 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.
- 6.4 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.
- 6.5 The Self Directed Support Team is supportive of the view that the Short Breaks Co-ordinators should also offer support to families, as appropriate during the self assessment process.
- 6.6 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.
- 6.7 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.
- 6.8 Feedback from providers suggests that more developmental work needs to be done to support them to adopt new business models.
- 6.9 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.
- 6.10 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. Work is underway to develop a Direct Payment Scheme Facebook group supporting better communication and information sharing amongst those in receipt of a Direct Payment.

6.11 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.

6.12 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)

6.13 The conclusions following the consultation are that work should commence to implement these proposals and the eligibility criteria be amended as per the above statement

6.14 Furthermore, we will be starting discussions to determine how we can work with community based providers (i.e. nurseries) to assist them in providing support to children with disabilities allowing them to attend mainstream, rather than specialist provision.

6.15 We will also be working with Foster Carers, with a view to them providing short breaks to children with disabilities.

6.16 To provide children and young people with a disability with the opportunity to apply for funding for their own short break or activity, we will be exploring co-production opportunities and looking to introduce a short-breaks panel made up of parents, young people, our lead member and officers from the Council who will make a decision about individual applications.

6.17 The panel will enable disabled children and young people to be actively engaged and participate in the whole decision making process about activities and projects they would like to do.

6.18 The objective of the panel is to encourage and allow children and young people to shape develop and deliver activities for themselves and other children aged 5 up to 18.

## 7. Provider Information

7.1 Members, in October, asked for further information about what providers can offer in respect of Short Breaks. This information is contained in the table below.

7.2 The total budget for short breaks provision is £821k; this includes an allocation of funding for Aut Even.

7.3 As mentioned in paragraph 2.3, the procurement exercise undertaken in 2015/16 resulted in a Framework Agreement being developed in respect of Short Breaks. Under the terms of the agreement this resulted in Medway being able to commission a range of pre-agreed provision, but only from those providers who met the selection criteria in terms of cost and quality.

7.4 The agreement also, through the evaluation system, ranked the successful providers in order. This ranking resulted in many of the providers not being called upon to provide services or not feeling it was in their interest to develop provision as other providers were higher in the ranking system.

<b>Name of Provider</b>	<b>Nature of Current Provision</b>
<b>Arethusa</b>	On Framework, but do not currently provide services.
<b>Demelza</b>	<ul style="list-style-type: none"> <li>• Parent and child group</li> <li>• Holiday Activities</li> </ul>
<b>KASBAH</b>	<ul style="list-style-type: none"> <li>• Playscheme/Holiday Activities</li> <li>• Independence training (numbers limited by the budget)</li> </ul>
<b>KIDS</b>	<ul style="list-style-type: none"> <li>• Sitting and Befriending Service (limited capacity due to budget)</li> <li>• Sleep Programme</li> </ul>
<b>Kent Friendz</b>	<ul style="list-style-type: none"> <li>• Holiday activities/trips out</li> </ul>
<b>MAGIC</b>	<ul style="list-style-type: none"> <li>• Play Schemes</li> <li>• Youth Clubs</li> <li>• Sports Activities</li> </ul>
<b>Rivermead School (ROCC)</b>	<ul style="list-style-type: none"> <li>• Play scheme for children aged 12 +</li> </ul>
<b>Supported Fostering</b>	No services utilised in current year, but on Framework for: <ul style="list-style-type: none"> <li>• Support into family homes</li> </ul>

<b>National Autistic Society</b>	<ul style="list-style-type: none"> <li>• After school club</li> <li>• Holiday activities</li> </ul>
<b>Parents Consortium (Dragons Retreat)</b>	<ul style="list-style-type: none"> <li>• Overnight bed provision for identified young people</li> </ul>
<b>IMAGO</b>	<p>No commissioned services provided in current year, but could provide:</p> <ul style="list-style-type: none"> <li>• Community brokerage</li> <li>• Playgroup</li> <li>• Family activity days</li> </ul>
<b>Young Kent</b>	<ul style="list-style-type: none"> <li>• 1:1 Mentoring service via a 20 week programme</li> </ul>

7.5 Officers met with current providers to determine what services they could offer if Direct Payments were to be the default position for the purchase of community based Short Breaks. During these meetings, officers requested further information from providers as to whether or not they would need any additional support from Medway if it were to move to Direct Payments.

7.6 In the most recent meetings, providers have been positive in respect of the proposals relating to Direct Payments. All providers who were willing to meet with Medway indicated that their potential offer, in relation to a market in which Direct Payments was the default position, would either increase or change and would offer families a wider range of choice. This they indicated would be through:

- Increased capacity, i.e. not limited by what Medway currently commissions e.g. Provider A currently on the Framework to provide only a mentoring service have indicated that if Direct Payments become the default position, they could both extend the range of what they offer and work with more young people; they currently have a waiting list for their service which could be addressed if families/young people had a Direct Payment;
- Extend their reach of provision i.e. to develop provision for a wider cohort of children either in respect of age, or extent and complexity of disability; e.g. Provider B currently providing a play scheme during school holidays have indicated they could extend the age range of children they support and could develop more bespoke support for individual families and children. Provider C who work with children with medical conditions have indicated that they are keen to explore how Direct Payments could benefit children with life threatening conditions;
- Offer a wider range of provision; e.g. Provider D are able currently to offer only holiday activities and an after school club, have indicated they could offer holiday options, day trips to France, supporting young people to connect with universal clubs and activities, drama groups, peer support (building on links with educational establishments) and travel training. These are all services they offer in other authorities;
- Offer bespoke services to families either on a 1:1 basis or for a number of families. Five providers have explicitly referred to this;

- Fits in with their wider offer in respect of Social Care Provision; e.g. Provider E are intending to move to a position whereby they only provide provision via Direct Payments;
- Attracting more business; Provider F currently on the framework to provide support into family homes see Direct Payments as potentially enabling them to extending this offer to include their being able to offer overnight stays either in family homes or in another location.

7.7 In respect of additional support, the major issues which providers consistently raised were:

- The need for practical advice and support regarding the processes they may need to put in place to move from a model of provision that is commissioned centrally by Medway to one that is dependent on individual (and possibly groups of) families purchasing their services directly via Direct Payments;
- How best to market themselves and their provision;
- How does Medway's Direct Payments process work and possibly differ from a process they may be familiar with in another authority.

7.8 Providers not based in Medway or still in the process of establishing a foothold here, also raised the issue of the lack of available premises in Medway for them to base a service from; identifying that it is not cost effective for them to have a permanent base in Medway solely for them to provide Short Breaks provision. This is an area that officers will explore further.

7.9 A number of developmental sessions have been held for providers to address their concerns and to provide practical help and support for them. These were led by the Self Directed Support Team, utilising their skills and experience of working with Direct Payments for adults, together with providing best practice examples from service providers who currently operate Direct Payment models. These sessions will continue to support providers to develop their service.

## 8. Risk Management

8.1 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-ordinators 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-ordinators 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.	

## 9. Consultation

- 9.1 This report serves to inform Cabinet of feedback from the consultation exercise.
- 9.2 This report seeks approval from Cabinet to start a consultation in respect of the proposed moves of the overnight short breaks service from Aut Even to Parklands.

## 10. Children and Young People Overview and Scrutiny Committee

- 10.1 The Children and Young People Overview and Scrutiny Committee have considered reports on Short Breaks Provision for Children with Disabilities and the Local Offer on 6 October 2016, 6 December 2016 and 9 March 2017.

Details of discussion at the October and December meetings are set out in Appendices 3 and 4.

10.2 At the meeting on 9 March 2017, the Assistant Director, Commissioning, Business & Intelligence introduced the report which provided the Committee with an overview of the results of the recent consultation concerning the move to Direct Payments, as well as proposed changes to enhance the overnight Short Breaks service provided at Aut Even.

10.3 Members then raised a number of questions and comments which included:

**Short Breaks Budget** – in response to a questions asking for clarification on how the Short Breaks Budget would be spent, the Assistant Director confirmed that not all the Short Breaks budget would be committed to Direct Payments in 2017/18 as not all parents were ready to make the transition and there was still some work to do to develop the market.

**Direct Payments** – in response to a question on how much support was provided to parents transitioning to Direct Payments, the Personalisation and Finance Lead responded that there was a dedicated team within the Council which provided support on Direct Payments, in addition to independent agents/companies which could support parents to choose services and manage budgets. A member referred to the levels of Direct Payments outlined in the report and officers confirmed this was indicative only and would work with providers to explore the best way to deliver services and support families.

**Consultation feedback** – A Member highlighted from the report that of the 10 consultation respondents who did not agree that Direct Payments were a good idea, six were already in receipt of Direct Payments. In response, the Head of Business and Intelligence noted that officers would be working closely with the families in question to better understand any concerns, and undertook to feedback to Committee in due course.

10.4 The Committee noted the report and recommended Cabinet to:

- Introduce Direct Payments for short breaks from April 2017
- Agree changes to the eligibility criteria, as outlined in section 6.13 of the report.
- Agree to carry out a public consultation in respect of the proposed move of the overnight short break service at Aut Even to Parklands.

## 11. Implications for Looked after Children

11.1 Short Breaks are a key part of the Council's early help work to prevent children with disabilities becoming LAC.

11.2 Short Breaks provide valuable respite for families and carers as well as foster carers if a child comes into care.

## **12. Financial Implications**

12.1 The current available Short Breaks budget for purchasing provision is £821k. This includes an allocation of funding for Aut Even and for the commissioning of 180 bed nights per year from an independent sector provider. The breakdown of the budget is as follows:

- £107.5k for Aut Even (*The total budget for Aut Even is £623k including £381.5k which is funded by Medway Clinical Commissioning Group.*)
- £69.3k for beds from independent sector
- £644k for spend on community based provision

12.2 Initial discussions with current providers of Short Breaks have suggested that some but by no means all, may require some transitional funding for the financial year 2017/18 to make the shift from commissioned services to those funded entirely by Direct Payments.

More detailed work will now take place, working with those providers to identify and to challenge them on what the exact transitional costs will be and what the benefits would be to Medway to bear the cost of this transitional period. The reasons given for the need for transitional costs primarily relate to the provision of group activities, e.g. play schemes and holiday activities and the need to ensure that providers can meet their costs.

Request for funds during the transition phase will be reviewed on a case by case basis in conjunction with finance and approved by the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member).

12.3 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 less the amount of £100k which was agreed as a saving in the 2017/18 budget, therefore making the total available budget allocation for 2017/18 £721k.

12.4 If the proposed costs for moving the Aut Even service to Parklands can be funded in full from the Aiming High Capital Budget, there will be no financial implications for the authority. It is vital that along with the feasibility study identifying actual cost, that the cost of resourcing the proposed service is included in the November Cabinet paper.

## **13. Legal Implications**

13.1 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.

13.2 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.

13.3 Local authorities are required to publish their Short Breaks Offer in a Short Break Statement which Medway is required to do.

## **14. Recommendations**

14.1 The Cabinet is recommended to:

14.1.1 Agree that Direct Payments are used as the main tool for Short Breaks from April 2017

14.1.2 Agree to change the eligibility criteria outlined in section 6.12 from the original criteria in section 2.5.2.

14.1.3 Agree to grant delegated authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to consider and determine requests for funding from current providers of short breaks during the transitional period (2017/18) as set out in paragraph 12.2 of the report.

14.1.4 Agree to undertake discussions with the Medway Clinical Commissioning Group (CCG) regarding the proposed changes to the overnight short breaks provision.

14.1.5 Agree to an 8 week public consultation is carried out to gain feedback from all interested parties in respect of the proposal.

14.1.6 Agree that a report is submitted to Cabinet in due course, providing feedback from both the CCG and the consultation, along with a detailed business case including building and service delivery costs for the Parklands site to enable Cabinet to make an informed decision about the proposed change to the in-house short breaks provision.

14.1.7 Agree to delegate authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to determine the future use of the Aut Even site on the basis set out in paragraph 3.18 of the report, subject to the outcome of public consultation on overnight short breaks provision.

## **15. Suggested reason(s) for decision**

- 15.1 The recommendations set out in this report will ensure that Medway is able to improve the support it provides to children with disabilities and their families. Providing early support and low level intervention will reduce the need for emergency and long term placements and can contribute towards cost savings across a range of services.
- 15.2 The proposal to move the overnight short breaks service from Aut Even to Parklands will enhance the service currently provided and enable the service to expand, thereby providing additional support to children with disabilities and their families.

### **Lead Officer Contact**

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### **Appendices**

Appendix 1 - Findings from the Short Breaks Survey 2016

Appendix 2 - Diversity Impact Assessment

Appendix 3 – Children and Young People Overview and Scrutiny Committee – 6 October 2016

Appendix 4 - Children and Young People Overview and Scrutiny Committee – 6 December 2016

### **Background papers**

None



## **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 27<sup>th</sup> June 2016 and finished on Friday 16<sup>th</sup> 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.



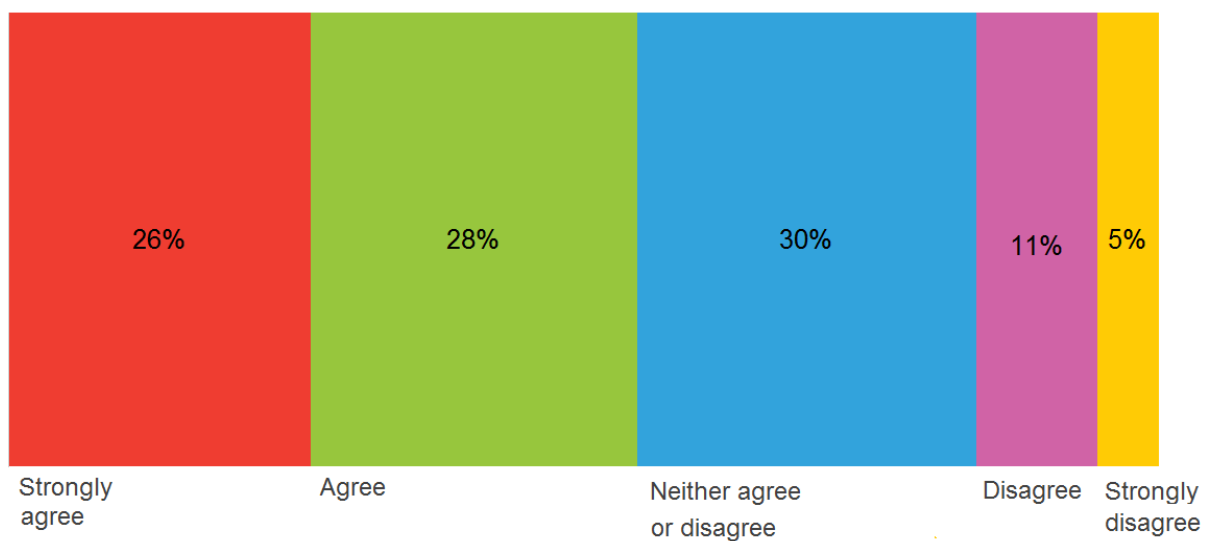
## Findings

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
<b>Which most closely describes your child's disability</b>						
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

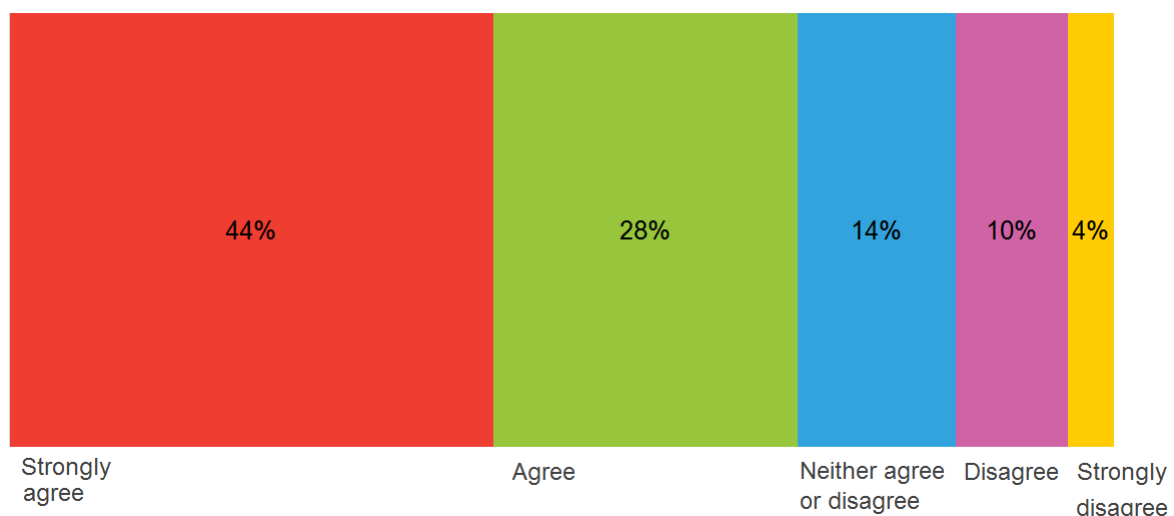
- Concerns were raised that the process might limit choice
- Comments were made that families are different and so are their needs

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

- 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
<b>Which most closely describes your child's disability</b>						
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	%
<b>Level one:</b> £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 %
<b>Level two:</b> £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 %
<b>Level three:</b> £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.

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
<b>Which most closely describes your child's disability</b>						
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
<b>Which most closely describes your child's disability</b>						
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
<b>Which most closely describes your child's disability</b>						
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
<b>Which most closely describes your child's disability</b>						
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



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

- 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:

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.

### 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

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.

### **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.





## 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**

...

Children and Young People Overview and Scrutiny Committee – 6 October 2016

Short breaks Provision for Children with Disabilities and the Local Offer

### **Discussion:**

The Director of Children and Adult Services (Interim), introduced the report which set out proposals for offering a greater range of options for short breaks to meet the needs of all children with a disability. The Interim Partnership Commissioner, Children with Disabilities, outlined the proposals with reference to the results of a recent consultation exercise. These included direct payments; eligibility criteria; and the self assessment process.

Members then raised a number of questions and comments, which included:

- **Providers** – Members considered that more information was required on short break providers. There was concern that some providers might withdraw from the service. The view was expressed that Parklands Resource Centre was under used and there was concern that Aut Even had been closed. In response the Interim Partnership Commissioner, Children with Disabilities said that it was the intention to meet with providers individually to explore the services that they could provide. Information was available on the Council's website.
- **Direct payments** – Members expressed concern that some families were not in favour of direct payments. The Interim Partnership Commissioner, Children with Disabilities stressed the importance of meeting individual families needs and said that direct payments would not be suitable in every case.

### **Decision:**

The Committee referred the report back to identify the providers needed and to examine the idea that a part of the budget should be held centrally and that some services are provided centrally.



Children and Young People Overview and Scrutiny Committee – 6 December 2016

Short Breaks Provision for Children With Disabilities and The Local Offer

### **Discussion:**

The Interim Partnership Commissioner for Children with Disabilities introduced the report which provided the Committee with further details relating to provider capacity and budgetary information, as requested at the previous meeting. He and the Personalisation and Finance Lead then provided the Committee with a presentation which gave further information about direct payments, how it increased choice and flexibility and how families were supported if they chose to access support through direct payments.

Officers and the Interim Director of Children and Adults Services confirmed that although there was an intention to promote the use of direct payments with families, there was a recognition that not all children and young people could have their needs met in this way. It was added that the Portfolio Holder for Children's Services - Lead Member had requested officers to incorporate the short breaks work with another piece of work which was currently being done to review the provision of overnight respite care. These strands would therefore be integrated into a joint strategy.

- **Recruitment of volunteers** – the development of a dedicated team of voluntary workers at Aut Even had been referred to in the report at paragraph 2.10. In response to a question about where volunteers would be recruited from the Interim Director confirmed that opportunities for recruitment were always being explored and it was often a good way of getting work experience to lead on to employment opportunities.
- **Short term closures of Aut Even** – following a comment about the short term closures of Aut Even the Interim Director confirmed that there had been two short closures, both to resolve safety issues. Since these closures there had been substantial investment into the facility and an improvement in the quality of equipment and facilities to ensure compliance with regulatory requirements..
- **Direct Payments** – some Members shared experiences of their constituents' use of direct payments. One Member said she was aware of people finding direct payments difficult to manage while another Member had received positive feedback, stating that people had felt empowered by the increased control and choice that direct payments brought them.

### **Decision:**

The Committee noted the report and recommended that further work be done to integrate the short breaks work with the overnight respite review to create an integrated strategy for short breaks, incorporating residential and non-residential provision.