Welcome to the first edition of the short breaks bulletin from the Short Breaks Partnership

The Short Breaks Partnership is a consortium made up of Contact a Family, the Council for Disabled Children, Action for Children and KIDS. As part of the National Prospectus Grants programme, we have received funding from the Department for Education to develop guidance on the importance of Short Breaks services for Parent Carer Forums, Children and Young People, Local Authorities and Commissioners and Short Breaks Providers.

We know that Short Breaks services offer both a valuable lifeline for families, and give children and young people with additional needs and disabilities opportunities to enjoy different experiences, make friends and help them to achieve their plans and ambitions in life. We also appreciate that the current financial climate can present challenges to local authorities and health services with important decisions to be made about all service provision, including that of Short Breaks services.

We want to support those involved in these decisions to make them a well-informed and evidence based manner by providing the necessary resources to enable effective participation and co-production in the provision and development of Short Breaks services. We are producing this bulletin on a quarterly basis which will include information, advice and guidance on Short Breaks services; case studies highlighting experiences, challenges and successes; legal and policy information providing clarity on responsibilities for local authorities and health services; and resources to support each of the stakeholder groups.

The members of the Short Breaks Partnership will undertake a range of activities and develop resources, with each organisation taking the lead with specific stakeholder groups. Contact a Family will offer resources and additional support to Parent Carer Forums; Action for Children will be working with providers to consider areas of innovation in the provision of Short Breaks services; KIDS are working with young people to increase awareness of and access to short breaks; and the Council for Disabled Children will be support local authorities and health services with commissioning resources.

It was with sadness that the Short Breaks Network closed at the end of March 2015. We wish to thank them and their trustees for all of the valuable work they have achieved over the years. They have very generously made the information and resources that they had developed available to the Short Breaks Partnership, and this is now available to access on the Council for Disabled Children’s website by clicking here. We are really keen to hear from you if you have any feedback or suggestions for articles for these joint bulletins. You can get in touch by emailing our Short Breaks Participation Advisor, Ben Palmer at ben.palmer@cafamily.org.uk.

Sue North, Contact a Family
On behalf of the Short Breaks Partnership
What the Short Breaks Partnership is providing

Through the member organisations, the Short Breaks Partnership will offer a range of information, resources and support to Parent Carer Forums, Children and Young People, Commissioners and Short Breaks Providers.

Short Breaks Partnership Offer

1. Share examples of best practice to demonstrate the value of Short Breaks services
2. Develop guidance for each of the stakeholder groups, including eLearning modules
3. Provide policy information and advice to Parent Carer Forums, children and young people, families, commissioners and Short breaks providers
4. Support children and young people and their families to better able to access Short Breaks services
5. Identify emerging and developed practice which demonstrates innovation in the provision of Short Breaks provision within the context of the SEND reforms

Further projects supporting short breaks

SENDirect

The SEND Consortium is delighted to have secured further support from the Department for Education to increase access, availability and appropriateness of early years, childcare and short breaks to families of children with additional needs. Their funding allows them to offer the following opportunities free until April 2016 for a short breaks, early years and childcare providers:

- Free SENDirect membership including 30 free listings on our site and associated promotions support.
- Feedback on how families are finding services like yours online, and a personalised marketing dashboard.
- Access to white papers explaining what families are looking for in your locality (to be delivered in February 2016)
- Free place at a regional commissioning round table day.
- 1 free place at national short breaks and childcare conference.

If you are interested in taking advantage of this offer, or have any questions please get in touch at info@sendirect.org.uk. For more information visit www.sendirect.org.uk/earlyyears.

Together for Short Lives

Together for Short Lives is the leading UK charity for all children with life-limiting and life-limiting conditions and all those who support, love and care for them. This year they are delivering a one-year project funded by the Department for Education which will aim to:

- improve the information and advice available to children with life-limiting conditions and their families through our Helpline and resources
- influence local offers so that they include local children’s palliative care services
- help improve the way in which short breaks for children who need palliative care are jointly commissioned by the NHS and local authorities
- help education professionals to support children with life-limiting conditions in school, college and early years settings.

They are also seeking to improve the extent to which local voluntary sector providers of children’s palliative care:

- deliver integrated services
- are able to adapt to personal budgets - and help the families who use their services to make the most of personal budgets
- are included in local offers.

As part of the project, Together for Short Lives will be holding events and producing resources for families; for people involved in commissioning and providing children’s palliative care; and for people responsible for implementing the reforms locally.

You can keep up to date at www.togetherforshortlives.org.uk/send and through Together for Short Lives’ regular SEND project briefing - please email james.cooper@togetherforshortlives.org.uk for more details.

Tell us About Your Good Practice Examples

There are clear benefits to engaging with children and young people and their parents and carers when co-producing systems and services. The Short Breaks Partnership is interested in hearing from you if you have been involved in developing short breaks services, particularly if this has involved unique and innovative features, has demonstrated inclusive practice or has had a focus on personalised approaches.

If you feel that you are able share examples of good practice in these, or other areas please contact us using the details below.

Parent Carer Forums: ben.palmer@cafamily.org.uk
Children and young people: lyn.horsfield@KIDS.org.uk
Commissioners: shortbreaks@ncb.org.uk
Short Breaks providers: erica.whitfield@actionforchildren.org.uk
The ‘Short Breaks’ Duty: An Introduction

By Steve Broach

Steve Broach is a barrister at Monckton Chambers who specialises in the law affecting disabled children and their families.

There is a glaring gap in the legal scheme supposed to benefit disabled children and their families, which is the absence of any clear right to Short Break care. Short Breaks at home or in the community must be provided to a disabled child under section 2 of the Chronically Sick and Disabled Persons Act 1970 when they are necessary to meet that child’s needs. However the 1970 Act is not specific in any way about Short Breaks, and residential Short Breaks are excluded from its reach.

This absence may be thought surprising when consideration is given to the ‘Short Breaks duty’ introduced by section 25 of the Children and Young Persons Act 2008. This new law was a direct response by campaigning from Every Disabled Child Matters and its supporters to create a new right to Short Breaks. It was prompted by the Disabled Children (Family Support) Bill 2006, a private members’ bill sponsored by Gary Streeter MP which if enacted (brought into law) would have created new rights to Short Breaks from local authorities and the NHS.

However the Short Breaks duty enacted in 2008 did not create a new right to Short Breaks for individual children and families. Instead it amended the schedule to the Children Act 1989 (para 6) to include a new duty to ‘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’.

In Parliamentary debates on the new duty the then-Minister, Lord Adonis, said ‘The new duty will ensure that Short Break services lose their Cinderella status and become an essential local authority service, thereby reflecting the importance attached to them by the families of disabled children...Short Breaks should not be used just as crisis intervention but should help carers to maintain and improve the quality of care they want to, and can, provide.’

The Minister highlighted a very important aspect of the duty, which is that it requires assistance to be provided to family carers of disabled children not just to allow them to continue to provide care, but so that they can do so more ‘effectively’. However, the language of the duty suggests that it falls short of establishing an individual right to Short Breaks for any particular disabled child. Instead, what is required under the duty is that there must be Short Breaks available in every local area to assist families generally.

The duty itself sets very little requirements as to the level or type of breaks which must be available. However much more detailed requirements are imposed on local authorities by the regulations made under the duty, being the Breaks for Carers of Disabled Children Regulations 2011 (also referred to as the Short Breaks Regulations). Regulations are law and must be followed in the same way as an Act of Parliament. The Short Break regulations do three important things:

1. Require local authorities in carrying out the duty to have regard to (a) the needs of carers at crisis point and (b) the needs of carers ‘who would be able to provide care for their disabled child more effectively if breaks from caring were given to them to allow them to (i) undertake education, training or any regular leisure activity, (ii) meet the needs of other children in the family more effectively, or (iii) carry out day to day tasks which they must perform in order to run their household’ (Regulation 3).

2. Expand the scope of the duty, so that local authorities are required to ‘provide, so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively’ (Regulation 4). This range of services must include:
   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.

3. Require the production of a ‘Short Breaks services statement’ (Regulations 5) setting out the range of services provided, any eligibility criteria and (importantly) ‘how the range of services is designed to meet the needs of carers in [the] area’. The statement must be published and kept under review, which implies that it must be updated when necessary, e.g. when any eligibility criteria change. The statement must now be published on the website for the ‘local offer’ introduced under section 30 of the Children and Families Act 2014.

The following are some key points of interpretation in relation to each of the duties imposed by the regulations:

1. Regulation 3 effectively creates a purpose provision of Short Breaks. As well as crisis care, Short Breaks should enable family carers to study or undertake leisure activities, meet the needs of other children or carry out household tasks. What is obviously missing from this list is work, because the service designed to assist family carers of disabled children to work is childcare, which has its own statutory scheme. Given the wider duties on local authorities to safeguard and promote children’s welfare it is also of course essential that every Short Break is a positive and safe experience for the disabled child.
2. The sufficiency duty in Regulation 4 is very important. In order for a local authority to comply with this duty it must know (a) the population of disabled children in its area and the level of need in that population and (b) the level of service currently available to meet that need. The local authority must then exercise its judgment informed by this evidence as to whether the range of services is ‘sufficient to assist carers to continue to provide care or to do so more effectively’.

3. The ‘Short Breaks services statement’ required under Regulation 5 is an important aid to transparency and fairness in the allocation of Short Breaks. Through the statement families should know what breaks are available and what criteria need to be met to access them. The statement must also show that the sufficiency duty imposed by regulation 4 has been met – by setting out ‘how the range of service is designed to meet the needs of carers in [the] area’.

To step back from the detail, the scheme imposed by the Short Breaks duty and the accompanying regulations is clearly significant progress in establishing Short Breaks as a vital statutory service. There is no doubt that under the duty every local authority must have a range and level of Short Breaks available which it considers to be sufficient to meet the needs of families in its area. That judgment on sufficiency must be properly informed by all the evidence.

However the duty falls short of giving any individual disabled child or family a right to a Short Break service. That right may of course be found elsewhere in the statutory scheme affecting disabled children, most often the 1970 Act, but also potentially section 20(1) of the Children Act 1989 in relation to residential Short Breaks where families are at crisis point.

In later editions of this bulletin we will look at other issues in relation to the Short Breaks duty and consider the effect of the departmental guidance on Short Breaks. We will also try to answer any general questions on the duty readers may have, although case specific advice cannot be given. Further discussion on the wider duties to provide Short Breaks to disabled children and their families can be found at: https://rightsinreality.wordpress.com/2014/09/15/short-breaks-for-family-carers-when-enough-is-enough/

Steve Broach is a barrister at Monckton Chambers who specialises in the law affecting disabled children and their families. Steve can be contacted at sbroach@monckton.com. This article is intended for general information and should not be relied on in any particular case, for which case specific advice should be sought.

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### Good practice case studies

#### How the views of disabled children are informing commissioning at Enfield Council

The London Borough of Enfield works with many children with complex disabilities and who use non-verbal communication. They wanted to ensure that the children and young people were able to inform and influence commissioning and service development. In order to support that process they developed an observational questionnaire designed to be completed with each child by a member of staff in one-to-one sessions.

The resulting data gave Enfield a unique insight into the wants and needs of the group and have led them to implement a series of positive changes to the way they commission and deliver short break services.

To read the full story go to councilfordisabledchildren.org.uk/sbncasestudy1

#### How the views of parent carers are informing short break provision in Hampshire

Hampshire County Council has worked closely with parents to shape their range of Short Breaks services, which over 5,000 families access. In 2014 the local authority announced that they would not be able to sustain these services at the current level due to cuts to local authority budgets as part of the programme of austerity. The local Parent Carer Forum undertook a number of activities to try and protect these important services as the withdrawal of this vital support would likely lead to more families facing crisis, and need for more high cost specialist support.

The forum had a well-established and positive relationship with the local authority, and they were diligent in maintaining this during this time. They were proactive in working with the local authority following the principles of coproduction in considering alternative ways that Short Breaks services could be provided. In January 2015 the Executive Lead for Children’s Services announced that a one-off payment from the local authority’s reserves would be made to secure Short Breaks services at the current level for 2015/16. This case study highlights the year-long period of activity taken on by the local forum, along with challenges, outcomes and factors contributing to the success of their involvement.

To read the full story go to councilfordisabledchildren.org.uk/sbncasestudy2
The importance of personalising short break provision

This short case study illustrates an example of user-led inclusive and personalised short break provision through a small community based angling group in Stoke.

A disabled young man’s expressed interest in fishing was pursued by contacting a small local voluntary angling group who established a group for disabled young people. As a consequence the young man developed skills, confidence, independence and friendships whilst following his ambition. He subsequently moved into the main fishing group and is now mentoring new disabled members to enable them to develop the confidence and independence to integrate into the wider group and the process is being repeated.

The ability to source activities and services to meet the specific individual interests and needs is enabled by an innovative commissioning process in the Local Authority where Action for Children is commissioned as a brokering service for small local groups.

To read the full story go to councilfordisabledchildren.org.uk/sbncasestudy3

The value of short break provision in preparing young people for adulthood

Mike got involved with Kids in 2010 through an open short breaks session designed to reach out to young people struggling to access their local communities.

He was offered a place at the Youth 2 Gosport club which ran a bi-monthly youth club and also a monthly out-and-about day. The club enables young people to meet socially and develop friendships, whilst improving life skills and independence. Mike, along with other attendees to the group, support the staff to plan activities and make choices about what they would like to do. The young people are involved in the planning and this helps to increase their self-worth and facilitate growth in confidence.

To read the full story go to councilfordisabledchildren.org.uk/sbncasestudy4

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About the consortium

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About the Short Breaks Partnership bulletin

The Short Breaks Partnership Bulletin is a quarterly round-up of all the essential policy, practice and news on short breaks. The bulletin is a special feature in the CDC Digest which is published in July, September, December and March.

You can download recent issues of CDC Digest from their website.

If you would like to be added to the list to receive this bulletin please email shortbreaks@ncb.org.uk with ‘Subscribe to Short Breaks Bulletin’ in the subject line.

Get in contact

If you have any questions or would like more information about the Short Break Partnership please contact us at shortbreaks@ncb.org.uk

If you are a parent or carer and would like information or advice about your own child’s access to short breaks please call Contact a Family on the Freephone helpline 0808 808 3555 (available 09:30-17:00, Monday to Friday), by email: helpline@cafamily.org.uk, or by visiting www.cafamily.org.uk.