



**Report title:** Redesign of short break, respite and support provision

<b>Cabinet date</b>	12 <sup>th</sup> March 2024
<b>Cabinet Member</b>	Cllr Kendrick
<b>Key Decision</b>	Yes
<b>Eligible for Call In</b>	Yes
<p><b>Purpose of Report</b></p> <p>To seek cabinet approval to proceed with the transformation of short breaks, respite and support services for disabled children, young people, and their families in Kirklees. This report outlines a proposal to move towards a more personalised flexible, locality-based approach.</p>	
<p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. Cabinet receive and note the views arising out of the consultation (Appendix A refers) and the proposal to move to a personalised flexible, locality-based approach.</li> <li>2. Cabinet receive and note the relevant Integrated Impact Assessment.</li> <li>3. The Strategic Director – Children and Families be authorised to take all necessary steps to implement the proposals, namely the transformation of short breaks, respite and support services for disabled children, young people, and their families in Kirklees.</li> </ol>	
<p><b>Reasons for Recommendations</b></p> <p>If approved, this transformation should lead to improved outcomes for children and families as the service will take a more personalised and enabling approach, with services delivered closer to where people live. This approach will also develop, enhance, and improve accessibility and engagement with local community groups and voluntary sector provision.</p> <p>The proposed service model will result in financial efficiencies in respect of buildings, staffing and transport costs. Furthermore, these arrangements allow flexibility in delivery arrangements and to allow providers to test different approaches and adapt in response to evidence of effectiveness and/or emerging best practice.</p> <p>The proposals have been developed in consultation with families, providers and other stakeholders, and the approach facilitates coproduction and codesign of service models.</p>	
<p><b>Resource Implication:</b></p> <p>The budget for the short breaks and respite service in 2023/24 was £1,401,337. The proposed service model will provide £400,000 of efficiencies in 2024/25.</p>	

<p><b>Date signed off by <u>Strategic Director</u> &amp; name</b></p>	<p><b>Give name and date for Cabinet / Scrutiny reports</b></p> <p>Tom Brailsford, 22/02/2024</p>
<p><b>Is it also signed off by the Service Director for Finance?</b></p>	<p>Isabel Brittain, 22/02/2024</p>
<p><b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b></p>	<p>Julie Muscroft, 27/02/2024</p>

**Electoral wards affected:** All wards are affected.

**Ward councillors consulted:** We have consulted with Portfolio Holders, Cllr Reynolds, and Cllr Kendrick on 9<sup>th</sup> January 2024.

**Public or private:** This is a public report.

**Has GDPR been considered?** The Data Protection Act 2018 and UK GDPR Law have been considered. During the consultation process, we sought advice from the Information Governance Team, and we took all reasonable steps to anonymise personal data. Therefore, no personal or personally identifiable data is contained within this public report.

## 1. Executive Summary

- 1.1 It is a Kirklees council priority to provide the best possible outcomes for all children, young people, and families, especially our most vulnerable children with Special Educational Needs and Disabilities (SEND). Kirklees invests in a wide range of services that support children, young people, and families with additional needs.
- 1.2 As part of our overall offer to children and families with additional needs, we offer a range of services which provide short breaks, activities and overnight respite. Short breaks and respite provision are invaluable support to maintain family function and prevent demand for more intensive provision. The majority of this provision is currently delivered from fixed buildings across Kirklees.
- 1.3 Throughout and since the COVID-19 Pandemic, alternative delivery models for all respite, short break and activity provision were necessarily established due to restrictions. As a result, activities were more often delivered in the community close to where children, young people and their families lived or where they wanted to access services, in a more flexible and individually tailored way. Post-pandemic this has resulted in a number of families changing the way they wish to receive respite, short break and activity provision in the longer term. This reinforced the need to progress the planned re-design of the service to meet the changing needs and aspirations of families.
- 1.4 Cabinet previously approved a consultation process on 26th September 2023 with key stakeholders. This was regarding the redesign and reconfiguration of the short breaks service. Stakeholders told us that they valued the skilled and experienced staff teams involved but wanted increased flexibility of provision, with better access to information

and services delivered closer to where they live, and required access, as well as supporting the enablement of their own vocational needs. Parents told us that they would be willing to contribute financially for additional provision where appropriate, particularly when this better fit with their needs.

- 1.5 This report outlines the proposed new service model for short breaks and respite, using intelligence from the consultation. The new service model allows for financial efficiencies which are described in the report and the appendices.

## 2. Information required to take a decision

### 2.1 Background

- 2.1.1 **Current offer** - Kirklees Council provides a range of activities and services to support the whole family take a break from the demands they may face when caring for a child with additional needs. These are often referred to as “short breaks” and come in a range of forms. They include:

- 2.1.2 **The Young People’s Activity Team (YPAT)** – This provides both community and building based activity to children. This is a Kirklees Council service, currently delivered from a single location centre in Ravensthorpe by highly skilled staff, however from a building which is out of date and difficult to access. The YPAT building will no longer be available to Children’s services from summer 2024.

- 2.1.3 **Orchard View** – This a Kirklees Council run residential home which provides overnight breaks to children and young people, with a capacity for up to 8 children depending on individual needs and matching.

- 2.1.4 **Direct Payments** – This is money paid by the local authority to a parent to meet an assessed need of a child needing support.

- 2.1.5 **Domiciliary care** (also known as home care) – This encompasses a range of services that are put in place to support someone in their own home. Demand for domiciliary care and direct payments has increased significantly recently resulting in pressure on service budgets.

- 2.1.6 **Targeted Activity** – This includes community-based activities such as voluntary sector organisations, or youth clubs.

- 2.1.7 **Universal Offer** – These are provisions that can be accessed by all but can be difficult to access for children with additional needs without specific support; and there is often a charge for this. This offer includes youth clubs, sports clubs or uniformed organisations.

### 2.2 Current referral and assessment process

Under the existing service model, families who request a short break receive a social care assessment and are allocated resources and provision from the options currently available:

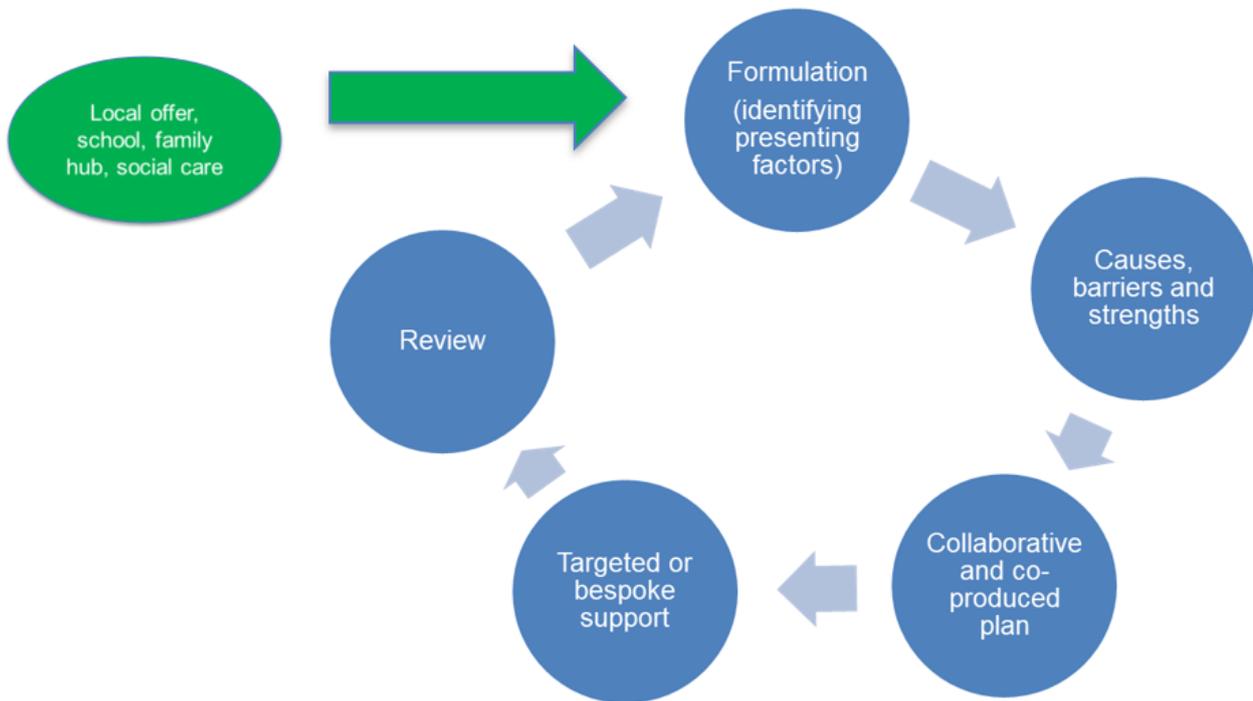


## 2.3 Consultation

- 2.3.1 The consultation (details of those contacted within the appendices) informed us that families wanted a more flexible and holistic approach to short breaks, as well as more choice in terms of provisions available.
- 2.3.2 They want to have more information about things they can access and an easier, clearer referral process. Families also reported that the fixed and proximal locations of YPAT and Orchard View and the distance from where they live are barriers for many to accessing them.
- 2.3.3 People expressed a desire to use community venues and organisations but were concerned about a lack of facilities for personal care or wheelchair access. Some consultees said that they would be happy to contribute towards provisions, either financially or in terms of time and support.
- 2.3.4 The most common presenting needs of those children using the short breaks service were autistic spectrum conditions, social and communication difficulties, and speech and language difficulties.

## 2.4 The new model for short breaks and respite

- 2.4.1 The new service model was developed based on the intelligence gathered from the consultation. The new more flexible referral process utilises formulation (which is a structured and collaborative process for bringing together information to best understand presenting conditions) as an entry and review mechanism. This is intended to ensure a fair access to service for all, that promotes the concepts of prevention and low-level support proportionate to needs, co-producing plans and activities with partners and peers in a place-based way and community-level engagement. The cyclical model also ensures required additional targeted and bespoke support is identified and accessed through the model:



- 2.4.2 Information about the short breaks and respite model and overall offer will continue to be widely publicised through the Local Offer website, schools, family hubs and community groups. Each family will take part in a formulation discussion to establish their individual needs, strengths and challenges. This will be holistic and wide-ranging, facilitated by skilled and trained professionals. The formulation process will help identify the specific causes of presenting issues, any barriers to overcoming them and the strengths within the family and community that can be utilised, rather than the existing linear referral approach that automatically moves children and families into higher level support interventions that may be disempowering for the family.
- 2.4.3 Through the new model, a plan will be developed to meet those needs and a package of support will be formulated with the family. A broad range of support options will be considered, such as support to access activities, such as sports and leisure activities. Support will be provided at the lowest appropriate level, with escalation to more intensive support only when necessary, as outlined through the ongoing formulation process. We will work *with* families to reduce the need for higher level interventions. This will increase options for group and community activity and help to promote independence and life skills. Parents suggested in the consultation that they would be willing to contribute financially to some activities in order to support a more flexible and sustainable approach to the activity offer. This approach will be explored further during the implementation of the new short breaks model.
- 2.4.4 The effectiveness of the support package will be regularly reviewed. If outcomes continue to be met the support may continue at the same level. If needs have changed, the provision may be stepped up or down and the cycle continues.
- 2.4.5 Service-users will be able to self-serve their requirements from the information and community directory to be found on the Local Offer website. Community organisations will be supported to increase inclusivity and be accessible to young people with SEND. This will be supported by a re-launch of advice and training in relation to meeting additional needs and from necessary alterations to buildings and facilities. A number of organisations have already received capital grant support to improve their facilities to be

more accessible through the Kirklees Council Our Space scheme. It should be noted, however, that the most frequent presenting needs for short breaks are social, emotional and mental health (SEMH), or neurodiversity, rather than physical disabilities. We will continue to support young people with additional needs to access universal services, supporting integration in the community and developing key life skills.

2.4.6 Council staff involved in referrals and assessments will be supported and trained to implement this new way of working, led by the formulation programme team and in conjunction with colleagues from the children's disability social care service.

## 2.5 Implications for current provisions

2.5.1 To facilitate the new enhanced community and place-based approach, some changes will be required to the council provisions at YPAT and Orchard View. The existing YPAT building at Havelock Street, Ravensthorpe, as outlined in the cabinet report presented in 2022 is outdated and no longer fit for purpose. It is proposed that the service will move out of that building and temporarily co-locate with Orchard View, which will become the hub for staff involved in community activities.

2.5.2 Bringing the two staff teams together will bring benefits in terms of skills mix and skills transfer between them. To maximise flexibility, staff will become multi-skilled to work across a range of provisions.

2.5.3 Orchard View currently has a capacity of 8 beds with an average bed occupancy rate of 4.6 over the last 12 months. The new co-located model at Orchard View will mean space at Orchard View will be used for activities offering minimal disruption to capacity for beds until sufficient community activity venues are established. However, the average usage will be maintained. Overnight places for those accessing the services will continue to be prioritised according to need, and new referrals will benefit from the new formulation-based model to determine appropriate support.

## 2.6 Financial model

2.6.1 The financial model has been developed based on the Needs Analysis (Appendix B), and proposed delivery model. This will maintain current service level to meet the needs of existing children and families accessing provision whilst the new service model is being implemented.

2.6.2 The new service model will result in some staffing efficiencies being made. The majority of the efficiencies will be achieved immediately due to vacancies that have been held in anticipation of the model development. It is anticipated that 12 FTE posts will be affected, 7 of which are vacancies. Due to the highly skilled nature of staff and demand for resource across the residential services there is minimal risk of staff not having access to deployment opportunities.

## 2.7 Timescales

2.7.1 The cabinet report in September 2023 committed to a total cost efficiencies target of £400,000.

2.7.2 The proposed service transformation will result in £261,165 efficiencies realised immediately from 1st April 2024, with a further £178,340 in summer 2024 when the model transformation is concluded. This provides efficiencies of approximately 10% in

excess of the £400,000 to allow for any slippages due to implementation and/or HR processes.

2.7.3 Additionally, a previously approached capital spend of £1.2m has been avoided by moving to a community-based model and therefore not replacing the current YPAT building. There may, however, be some capital costs incurred if community buildings required improved facilities to enable access, for example.

## 2.8 Expected impact/outcomes, benefits & risks (how they will be managed)

### 2.8.1

- The new service model is expected to deliver improved outcomes for children and families.
- Presenting needs will be understood holistically, with sustainable, long-term solutions put in place.
- Ongoing reviews will take place to step up or down the levels of support offered as appropriate.
- Solutions will be personalised and proportionate.
- Families will be able to source their own solutions from the information and guidance made available and will be more engaged with their own access to services.
- Children will benefit from a range of fun and enriching experiences.
- Communities will be empowered to form groups and to create facilities.
- Families will receive their support closer to where they live.
- The council will continue to offer high quality overnight respite where appropriate.

2.8.2 However, the following risks have been considered:

Risk	Mitigating Actions
<p>A potential temporary reduction in capacity for overnight respite at Orchard View</p>	<p>Incorporating the prioritisation/formulation-based triage process should mitigate and prioritise key need.</p> <p>Identifying early intervention strategies, which will reduce the need for overnight provision, whilst improving outcomes for children and families.</p>
<p>Children who are unable to access their current offer or future assessed need through a temporary reduction to Orchard View capacity may seek to access Domiciliary Care provision to meet their needs. This may impact on an increased agency budget spend.</p>	<p>This impact will be temporary as we transition to our new model, and further mitigated through our early intervention strategies, which will help us reduce the demand for Domiciliary Care and/or Direct Payment support moving forward.</p> <p>We will continue to be able to support current levels of demand, however if required we would utilise one unit at Orchard View to cover the six weeks holidays to support YPAT holiday activity. Ensuring any impact to agency budgets is minimised.</p>

<p>Limited/unknown community-based infrastructure to meet the needs of children requiring specialist support.</p>	<p>Mapping, engaging and commissioning community venues to ensure suitability, including provision of specialist equipment including wet rooms, hoists etc has already been initiated and is a key priority for the project group following cabinet approval.</p>
<p>Judicial review: Children with assessed needs are unable to access provision to meet them, due to a reduction in capacity across the short breaks offer (Universal, Targeted and Specialist).</p>	<p>We are developing a nuanced and inclusive offer, accessible at each level including a new focus on bespoke support for children and families. Work is ongoing with legal services to ensure legislation compliance.</p> <p>The new model does not remove access to overnight respite breaks to those that require it.</p>
<p>Organisation Reputation – If people feel “done to” rather than “worked with”.</p>	<p>Whilst the consultation findings provide evidence that we have listened to the view of a wide range of stakeholders, we intend to undertake further work to co-produce the new model.</p>
<p>HR process including possible service change process which would result in a proportion of the savings not realised until Summer 2024.</p>	<p>A “buffer” has been added to the in-year savings target which mitigates the impact of initial savings not realised. Early Access Deployment is also available which could mitigate this risk should there be a requirement for a service change process.</p> <p>We have held a number of vacancies within the residential estate to accommodate the potential for highly skilled and affected staff to retain employment in our services.</p>

**2.9 Evaluation**

2.9.1 It is critical to ensure that any service change makes a positive impact to young people, their families, and services. We will continue to work with stakeholders to evidence the impact of evaluation of short breaks provision following implementation of the new model. This will include:

- Working with the formulation team to best understand the specific needs, set SMART (Specific, Measurable, Achievable, Relevant and Time-Bound) outcomes, and review progress for children and young people.

- Evidencing how short breaks activities are improving the outcomes for young people accessing the provision, demonstrating impact, to make these activities more attractive to potential funders who may wish to support activities set up by parents and carers.
- Evidencing the impact of early intervention strategies.
- Regularly reviewing our offer to ensure delivery is evidence informed and in line with the “Golden Thread” principles, and our Kirklees values of kindness, inclusion and pride.

2.9.2 The implementation of the service model and outcomes for children and families will be closely monitored via a working/project group. Service and finance performance will be reported and scrutinised at Children’s Senior Leadership team, the Early Support Partnership, and the Starting Well Board. Impact upon related services will be monitored.

## 2.10 Sustainability

Quality assurance and monitoring will determine whether provision is delivering value for money, as well as positive outcomes, high quality and fun activities for children and young people. Relationships with stakeholders will be further developed and maintained to develop the place-based offer. This will include coproduction with parents, carers and young people.

2.11 Key services & agencies involved.

- Orchard View
- YPAT
- Formulation Team
- Children with a Disability Service
- Early Support and Inclusion Team
- Holiday Activity and Food Programme
- Community Hubs
- Schools
- Community venues / activities
- External overnight provisions

## 3. Implications for the Council

### 3.1 Working with People

A wide range of stakeholders have contributed to the development of the new offer. Families will continue to be involved in new and different ways to establish and deliver the most appropriate level of support whilst improving outcomes.

Staff will be engaged to create an integrated service, ensuring they have the skills, knowledge and behaviours required. The Kirklees values of kindness, inclusion and pride are at the centre of this work.

### 3.2 Working with Partners

Throughout the consultation we have liaised and worked with partners to ensure we have asked the right questions to discover how we can best meet the needs of children and young people in Kirklees. We will continue to work with Parents of Children with Additional Needs (PCAN), other interested parents/carers, community members, staff, and elected

members. Continued involvement of community groups and venues will be crucial as we implement and develop our new model to ensure we can offer a wide variety of support.

### 3.3 Place Based Working

A key priority for Children & Families directorate is the development of place-based working and the Families Together model. The new short breaks and respite provision will be an important component of this model as it will not only bring in valuable community intelligence but will help to disseminate information to families.

### 3.4 Climate Change and Air Quality

A delivery model that means families can access support nearer to where they live, will result in shorter journeys for families, and in turn reduce emissions, positively affecting air quality and climate change.

### 3.5 Improving outcomes for children

- 3.5.1 Optimal outcomes for our children are receiving targeted, meaningful, and purposeful activities that increase life skills and experiences, as well as meeting specific identified health and wellbeing needs, and simultaneously developing greater independence skills. The premise of the new model is to provide the right support at the right time in the right place. Providing tailored services nearer to where families live would increase access for a wider range of families across Kirklees. Better integration of services provides opportunities to share the high-quality skills of staff and ensure consistency of relationships with children and families.
- 3.5.2 The new model would involve the family, services, and community in formulating the individual needs of the young person to provide a creative, individualised plan. As an example, a young person with additional needs might wish to play football at a local sports club but might require some support to do so. This support could be provided by a staff member or volunteer. The activity could be planned for an evening, weekend or other time which would be most beneficial to the family.
- 3.5.3 In another example, under the current model an assessment might identify a lack of sleep for both the child and parents which has an impact on quality of life for all, work performance or attendance for the parents or school attainment for the child. The assessment might typically result in the provision of 2 overnight stays per month at Orchard View and 4 hours per week of domiciliary care.
- 3.5.4 Under the new model the formulation identifies that the child's lack of sleep is linked to them feeling socially isolated and not engaged in physically demanding and emotionally engaging activities. A plan would be developed in partnership with parents, carers, the young person, and a local support group to develop a friendship group with other local young people and families. This would deliver a range of community based stimulating activities and increased social contact. This would be supplemented by sleep strategy support for the parents from the Families Together parent offer which would provide a more sustainable long-term solution to the sleep issues. The total cost of the new approach in this case would be approximately one third of the previous cost.

3.5.5 The consultation also identified a need for an increased and broader range of provisions for children under 8 years old. Further work with parents and providers is required to understand their needs and any barriers to accessing mainstream provisions and to increase accessibility.

### 3.6 Financial Implications

- The proposed service re-design will achieve efficiencies of £400k.
- Providing a range of support options nearer where children and families live will reduce the transport costs for individual families and the Council transport spending.
- Use of community venues may involve costs. However, the consultation findings suggested that some parents/carers would consider contributing towards services for additional support where these meet their needs.
- Some further capital investment to support the development of community venues may be required.

### 3.7 Legal Implications

Advice from Legal services has informed this consultation and design process. Recommendations fall in line with obligations under these legal duties (see appendix C). When making funding decisions in relation the provision of short breaks, the council must do so and has done in compliance with all the material considerations required by the relevant law.

### 3.8 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

3.8.1 A risk register has been put in place to monitor current and emerging risks. A project team will oversee the implementation of the new service model.

3.8.2 An Integrated Impact Assessment has been completed – [Integrated Impact Assessments Short breaks 2024](#)

## 4 Consultation

The consultation took place between 20th November 2023 and 2nd January 2024. Targeted engagement was conducted with all relevant stakeholders by means of

- An online survey for parents/carers which was produced with support and challenge from PCAN. This received 42 responses.
- Drop-in sessions facilitated for service users of YPAT and Orchard View as well as PCAN members from north and south Kirklees. 6 sessions were held in venues across Kirklees, 39 people participated.
- The Local Offer Live Event held at Dewsbury Town Hall on 29/11/23.
- A total of 6 consultation sessions held with 13 children and young people who attend YPAT (4 sessions) and Orchard View (2 sessions). The Voice and Influence Team supporting our participation groups over a period of time to contribute to the consultation. This ensured we were able to get the views of children and young people, some of whom have complex communication needs. This included meaningful advocacy through relationships which have been established over several months.

- A Staff survey shared with Orchard View and YPAT colleagues. 26 responses were received.

## 5 Engagement

- 5.1 Ahead of the consultation in November 2023, our Parent Carer Forum, Parents of Children with Additional Needs (PCAN) were engaged to seek guidance and input on proposed survey questions. PCAN also identified opportunities for face-to-face consultation, including coffee mornings held in different areas of Kirklees. Specific feedback and views from PCAN members, alongside staff and other interested parties are included in the report.
- 5.2 Engagement and question & answer sessions with staff at YPAT and Orchard View took place in October and December 2023 directly with the Service Director, Heads of Services and those involved in the consultation process.

## 6 Options

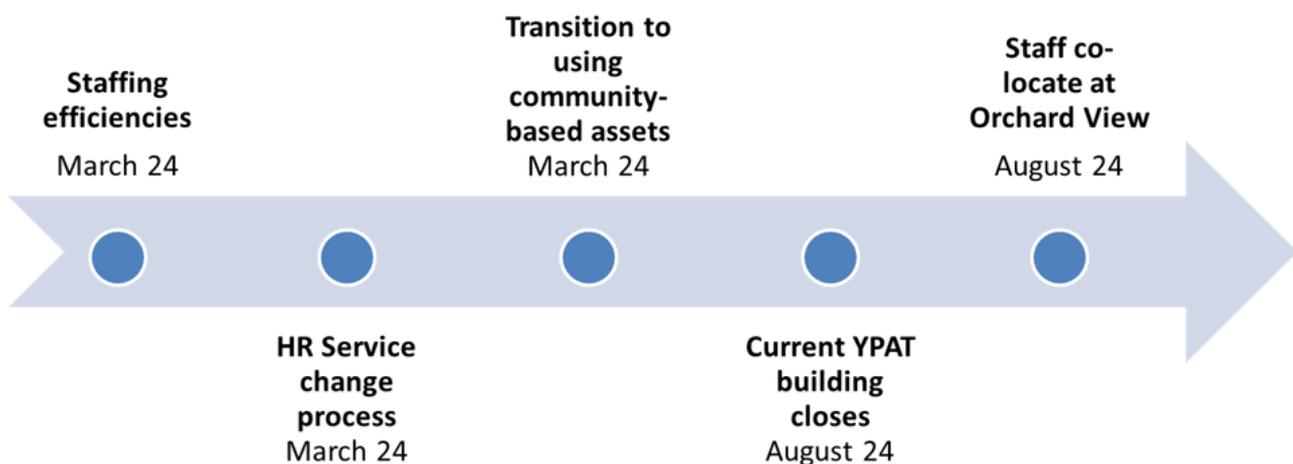
### 6.1 Options Considered

The new community-based model for short breaks and respite provision described in this report has been developed following consultation with service users in order to better meet their needs. During the development of the model a number of different options have been considered, none of which would fully meet the emerging and identified needs of families or realise the financial efficiencies required.

### 6.2 Reasons for recommended Option

- 6.2.1 The proposed model will achieve the efficiency target of £400,000, whilst providing flexible, personalised, enabling, local provision that families have asked for based on consultation outcomes.
- 6.2.2 The current YPAT building will no longer be available post summer 2024. This would require capital investment to provide a replacement facility.

## 7 Next steps and timelines



## 8 Contact officer

Dr Kieran Lord – Service Director, Resources, Improvement and Partnerships  
Stewart Horn – Head of Children’s Integrated Commissioning

## **9 Background Papers and History of Decisions**

### [26/7/2022 – Cabinet Paper - Capital Scheme - Specialist Accommodation at former Children's Place Nursery, Netherfield Road, Ravensthorpe](#)

To consider proposals for a capital scheme from the Children's Service Best Start Capital Programme.

RESOLVED – That approval be given to the release of up to £1,358,353 from the Best Start Capital Programme to enable procurement of works to proceed.

### [29/09/2023 - Cabinet paper - Redesign of Short Break, Respite and Support Provision](#)

RESOLVED –

1) That authority be delegated to the Strategic Director for Children's Services, in consultation with the Portfolio Holder for Children's Services, to finalise plans for, and enter into, a six-week consultation relating to the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families.

2) That the outcome of the consultation be considered at a future meeting of Cabinet for decision.

## **10 Appendices**

Appendix A – Consultation Findings Report

Appendix B – Needs Analysis

Appendix C – Relevant Legislation

## **11 Service Director responsible**

Dr Kieran Lord – Service Director, Resources, Improvement and Partnerships

Appendix A – Consultation Findings Report

**Title of Report: Short Breaks Consultation Summary**

**Report Content: Overview of the Short Breaks Consultation – Process & Responses**

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Overview of Short Breaks Consultation Process

Cabinet delegated authority on 26<sup>th</sup> September 2023 to proceed with a consultation to establish options to design the optimal service for children and young people across the geographic region of Kirklees.

The consultation considered a change of service delivery from the previously approved model of resource focused in one fixed location towards an integrated, place based, and partnership delivered approach.

The consultation process involved all relevant stakeholders in a targeted approach to ensure the voices of staff, parents, carers, children and young people were heard.

This was facilitated via the following means:

- An online survey for parents which was created with the support of and feedback from Parents of Children with Additional Needs (PCAN) members.
- A staff meeting at Batley Town Hall on 17<sup>th</sup> October 2023.
- Director visits to YPAT and Orchard View on 17<sup>th</sup> December 2023.
- An online survey for staff.
- Targeted drop-in sessions for YPAT, Orchard View and PCAN members across North and South Kirklees.
- Targeted engagement sessions for children and young people.
- A stall at the Local Offer Live Event.

The online survey sought feedback on how parents, carers, children and young people access short breaks, what works well, what does not work well and what could be improved.

The facilitated targeted engagement sessions asked stakeholders for their comments and views on the current model including what improvements could be made.

This paper provides a summary of the overall findings from the online survey and targeted engagement.

Overview of Responses Received to the Online Consultation

42 individuals participated in the online consultation survey which ran from 20<sup>th</sup> November 2023 to 2<sup>nd</sup> January 2024. The responses were all from parents and carers with children and young people who access short breaks.

### **Survey Respondents**

28 responses were from parents or carers who identified as White British, 6 from parents or carers who identified as Asian or Asian British and 5 from Black, African or Black British.

The ages of the children or young people accessing short breaks were as follows:

- 0 to 5 – 4
- 6 to 8 – 4
- 9 to 12 – 11
- 13 to 18 – 19
- 19 to 25 – 2
- Prefer not to say – 1

37 parents or carers acknowledged that their child or young person accessing short breaks had a diagnosed medical condition(s) with 4 saying no.

Please see a summary breakdown below of the condition(s) that represent the disabilities of the child or young person from the parent or carer who responded to the survey.

<b>Conditions</b>	<b>No</b>
Autistic spectrum condition	23
Social and Communication difficulties	19
Speech and Language Difficulties	18
Global developmental delay	12
Profound and multiple learning disabilities	11
Sensory processing	11
Wheelchair user	11
Eating and drinking - needs help with	10
Learning difficulty (e.g. Dyslexia)	9
Uses alternative communication eg. Sign language, picture symbols	8
Epilepsy	7
Mild to moderate learning disability	7

Please see a breakdown of the short breaks services that have been accessed by a child or young person.

<b>Short Breaks Service</b>	
Direct Payments	43%
Targeted Community Activity Groups	38%
YPAT	36%
Other	29%
Domiciliary Care Agencies	17%
Orchard View	7%
Universal Community Activity Groups	0%

## Key Findings

Between 20<sup>th</sup> November 2023 and 2<sup>nd</sup> January 2024, the following individuals and children or young people provided feedback and comments on a range of short breaks services which all contributed to the consultation analysis. Here is a summary of who responded or participated in additional targeted sessions:

- 42 parents and / or carers completed the online consultation survey on behalf of their child or young person.
- 5 members of staff completed a staff consultation survey.
- 13 children and or young people who use the services participated in a targeted engagement session.
- 35 individuals participated in 6 separate targeted engagement sessions across different respite sites.

Please see a breakdown of the key findings to the two main questions which we asked participants throughout the consultation period which were as follows:

- What works well?
- What can be done differently or improved?

### 3.3 What works well?

#### Quality of Care

- The staff at the short breaks services are highly skilled and provide complex care to children and young people with a range of different behaviours.
- The children and young people feel safe and have built excellent rapport with the staff at all sites.
- The flexibility of the short breaks offer is excellent and is welcomed by those accessing various different services.

#### Activities

- The activities provide the opportunity for children and young people to develop skills and socially interact with others.
- The activities are fun and provide opportunities for developing skills.

#### Essential Respite Care

- The short breaks are incredibly important as it improves our resilience and family dynamic as parents / carers are able to spend time with other family members.
- Short breaks are vital to individuals physical and mental health and allow for a much-needed break.

### 3.4 What can be done differently or improved?

#### Triage / Referral Process

- Review the intervention and triage process so the correct package of care is provided from the offset with an emphasis on exploring all options available for suitability and preference.
- Referral process to be reviewed so it is both top down and bottom up in its approach.
- We will triage referrals to our short breaks service by working closely with our formulation team to ensure we apply personal centred approach and identify measurable outcomes when allocating resources.

#### Package of Care

- Review the package of care provided per individual so we ensure we support any unmet need.
- Emergency respite would be greatly welcomed when a parent or carer requires additional support.
- Any new model must address the tiers of support and care package offered.

#### Activities

- Review the choice of activities and number of sessions offered per week / month to gauge accessibility and availability.
- There are limited activities available for under 8's.

#### Information

- Improve the information provided so it is easily accessible, well informed and up to date so sharing and signposting is easier for all.

#### Complex provision

- Review the provision for children and or young people with more complex needs and behaviours to ensure there is a range of activities available and establish whether additional support (1-2-1 or 1-2-2) can be provided for certain activities.

### Direct Payments – Consultation Analysis

18 parents or carers responded to the Direct Payments service.

15 parents or carers acknowledged that their child or young person accessing Direct Payments had a diagnosed medical condition(s) with 3 saying no.

Ethnic Group		Age Group	
White British	13	0 to 5	2
Asian or Asian British	2	6 to 8	2
White Other	2	9 to 12	4
Black, African or Black British	0	13 to 18	7
Another Ethnic Group	1	19 to 25	2
Mixed or Multiple Ethnic Groups	0	Prefer not to say	1
Prefer not to say	0		

### Summary

What works well?

- The flexibility of arrangements for personal assistants and choosing the correct care is excellent and greatly valued.
- The complex support is provided with the upmost care and improves our resilience and family dynamic as parents / carers are able to spend time with other family members.
- It is very noticeable how experienced and knowledgeable staff are in caring for the children and young people.
- Short breaks result in parents / carers having a break and sometime to themselves.

What can be done differently or improved?

- There are some recruitment concerns in relation to personal assistants and carers and in finding the appropriate care.
- Improve information sharing and ensure services are better coordinated.
- Build a pool of direct payment workers and review the current policies.
- Review the package of cares we can offer to ensure we support any unmet need.
- It can be very difficult to find carers for very short hours whether that be for a school run or ad hoc care requirements.
- More choice of activities, particularly community-based activities are required.
- Review age restrictions on short breaks.
- Options for a paid service for additional days.
- Ongoing parental support would be much appreciated.

### Targeted Community Activity Groups – Consultation Analysis

16 parents or carers responded to the TCAG’s service.

15 parents or carers acknowledged that their child or young person accessing TCAG’s had a diagnosed medical condition(s) with 1 saying no.

Ethnic Group		Age Group	
White British	10	0 to 5	0
Asian or Asian British	5	6 to 8	2
White Other	1	9 to 12	6
Black, African or Black British		13 to 18	6
Another Ethnic Group		19 to 25	2
Mixed or Multiple Ethnic Groups		Prefer not to say	0
Prefer not to say			

Please see the breakdown in the table below of the difference short breaks has at TCAG’s.

Positive Difference	Number	% of Respondents
Provides a fun experience for my child	14	100%
Gives my child the skills and confidence to manage new experiences	12	86%
Enables my child to develop and maintain good quality friendships	11	79%
Having time with my other children or wider family	10	71%
Supports my mental health and wellbeing	8	57%
Getting jobs done at home	7	50%
Gives me a break from my caring role	6	43%
Helps to establish good quality night time routines, resulting in better quality sleep	4	29%
Helps with ways to better manage behaviour that is challenging	3	21%
Catching up on sleep	3	21%

#### Summary

What works well?

- We have always had very positive experiences at Shabang as the staff are friendly, welcoming and there is a choice of activities.
- The staff have excellent knowledge of children and young people’s needs, complexities and parental support.
- The activities are fun and provide opportunities for developing skills.
- The range and flexibility of activities available is excellent.

What can be done differently or improved?

- Some activities have long waiting lists so accessibility can be difficult despite the range offered.
- Parking is an issue, including for those who use wheelchair accessible vehicles.

- There is no provision for children and young people with more complex needs and behaviours. Having the choice of a group with 1-2-1 or 1-2-2 support would be extremely welcomed due to additional care needs required.
- Offer longer hours so parents and carer receive much needed downtime.
- Ensure groups such as Endorphins can provide for continence issues.
- Increased hours during the school holidays.
- More streamlined information on the activities available in the area would be very helpful as there is currently a gap here.
- Transport and accessibility is a barrier for some.

**Young People's Activity Groups (YPAT) – Consultation Analysis**

15 parents or carers responded to the Direct Payments service.

14 parents or carers acknowledged that their child or young person accessing YPAT had a diagnosed medical condition(s) with 1 saying no.

<b>Ethnic Group</b>		<b>Age Group</b>	
White British	12	0 to 5	0
Asian or Asian British	0	6 to 8	1
White Other	2	9 to 12	3
Black, African or Black British	1	13 to 18	11
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Please see the breakdown in the table below of the difference short breaks has at YPAT.

<b>Positive Difference</b>	<b>Number</b>	<b>% of Respondents</b>
Provides a fun experience for my child	15	100%
Gives me a break from my caring role	14	93%
Enables my child to develop and maintain good quality friendships	13	87%
Having time with my other children or wider family	13	87%
Gives my child the skills and confidence to manage new experiences	11	73%
Getting jobs done at home	8	53%
Supports my mental health and wellbeing	8	53%
Catching up on sleep	4	27%
Helps with ways to better manage behaviour that is challenging	2	13%
Helps to establish good quality night time routines, resulting in better quality sleep	1	7%

**Summary**

What works well?

- The staff are highly experienced and provide quality care at YPAT.
- The activities provide the opportunity for children and young people to develop skills and socially interact with others.
- Participation in activities gives access to the community in a measure way whilst also integrating and including children and young people with disabilities into other groups.
- The outcomes of accessing YPAT short breaks have been excellent.

What can be done differently or improved?

- The building requires investment, and the location can be difficult to reach (or take considerable time).
- Options for a paid service for additional days.
- Referral process to be reviewed so it is both top down and bottom up, specifically based on the needs analysis and requirements of each child and young person.

- Any new model must address the tiers of support and care package offered.
- Review the full activities package to ensure the greatest flexibility for those accessing them.
- More holiday provision.
- Transport continues to be a barrier to accessing care.
- Vital information is up to date and easily accessible.
- Services must work in coordination with each other.

**Other – Consultation Analysis**

12 parents or carers responded to other respite care offered.

11 parents or carers acknowledged that their child or young person accessing other short breaks respite care had a diagnosed medical condition(s).

<b>Ethnic Group</b>		<b>Age Group</b>	
White British	8	0 to 5	2
Asian or Asian British	1	6 to 8	0
White Other	2	9 to 12	3
Black, African or Black British	0	13 to 18	6
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Please see the breakdown in the table below of the difference short breaks respite has at other short breaks buildings e.g. Hollybank.

<b>Positive Difference</b>	<b>Number</b>	<b>% of Respondents</b>
Gives me a break from my caring role	10	91%
Getting jobs done at home	10	91%
Supports my mental health and wellbeing	10	91%
Provides a fun experience for my child	10	91%
Having time with my other children or wider family	10	91%
Enables my child to develop and maintain good quality friendships	8	73%
Gives my child the skills and confidence to manage new experiences	8	73%
Helps with ways to better manage behaviour that is challenging	6	55%
Helps to establish good quality night time routines, resulting in better quality sleep	5	46%
Catching up on sleep	5	46%

**Summary**

What works well?

- Hollybank provides not just excellent care for complex children but also quality assurance due to the regular regulatory checks by respective governing bodies.
- Hollybank is a huge lifeline and the support to me and my child is greatly appreciated.
- In some cases, carers take children or young people out of Hollybank to other activities which would not occur without that support.
- Agency workers providing care in the home allow parents to spend time with other children in the family home which is necessary for family resilience.
- The respite carers provide excellent support.

What can be done differently or improved?

- The transition to adult services and in the community is a huge challenge so a review of that support and how it is implemented would be welcome. Continuity is vital.
- Currently, only overnight respite care is on offer to PMLD children.
- More creative and sports-based activities.
- Activities do not always provide respite if the parent or carer is supervising, or present so additional support would be welcomed.
- Unplanned sickness for respite in the home causes difficulties with work and other responsibilities .
- More control over how hours are distributed would be welcomed.
- More hours of care are required in the holidays.
- Increase staffing numbers so more facilities can be accessed.

### Domiciliary Care – Consultation Analysis

7 parents or carers responded to the Domiciliary Care service.

7 parents or carers acknowledged that their child or young person accessing Direct Payments had a diagnosed medical condition(s).

Ethnic Group		Age Group	
White British	6	0 to 5	2
Asian or Asian British	0	6 to 8	0
White Other	1	9 to 12	2
Black, African or Black British	0	13 to 18	3
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

### Summary

What works well?

- The staff are skilled and provide safe caring support to the children and young people.
- The flexibility of support whether it be day or night is appreciated and it allows for family time with other children / partner. Short breaks are vital to individuals physical and mental health and allow for a much-needed break.
- The flexibility of the short breaks offer is great as it means we can decide how children and young people are supported.

What can be done differently or improved?

- The rota system in place for carers does present some issues.
- There have been some past difficulties with care agencies.
- Some of the short breaks are limited in time which means it is difficult to travel further away from the family home or plan ahead.
- A hybrid model of care with more control of how hours are distributed would be welcomed.
- Children under the age of 8 also need access to overnight short breaks.
- Recruitment of personal assistants and the overall package of care (which includes the use of agencies) needs to be reviewed.
- Transport needs to be made available so short breaks can be accessed much more easily.
- More community activities are needed for children and young people with challenging behaviour.
- Review the intervention and triage process so the correct package of care is provided from the offset.

### Orchard View – Consultation Analysis

3 parents or carers responded to the Orchard View service.

2 parents or carers acknowledged that their child or young person accessing Orchard View had a diagnosed medical condition(s) with 1 saying no.

Ethnic Group		Age Group	
White British	2	0 to 5	0
Asian or Asian British	0	6 to 8	0
White Other	1	9 to 12	0
Black, African or Black British	0	13 to 18	3
Another Ethnic Group	0	19 to 25	0
Mixed or Multiple Ethnic Groups	0	Prefer not to say	0
Prefer not to say	0		

Please see the breakdown in the table below of the different short breaks respite has at Orchard View.

Positive Difference	Number	% of Respondents
Gives me a break from my caring role	3	100%
Provides a fun experience for my child	3	100%
Enables my child to develop and maintain good quality friendships	3	100%
Gives my child the skills and confidence to manage new experiences	3	100%
Helps to establish good quality night time routines, resulting in better quality sleep	2	67%
Catching up on sleep	2	67%
Getting jobs done at home	2	67%
Supports my mental health and wellbeing	2	67%
Having time with my other children or wider family	2	67%
Helps with ways to better manage behaviour that is challenging	1	33%

### Summary

What works well?

- The staff are very knowledgeable and provide caring and homely support to the children. They go above and beyond to cater for children and young people with complex needs.
- The staff have built excellent relationships with the children and young people at Orchard View, and they love going.
- The staff are kind, supportive and empathetic to parents which is appreciated. Short breaks provide excellent respite to individuals like myself.

What can be done differently or improved?

- The service needs to be better coordinated with YPAT in relation to availability of activities, holiday cover and information.

- The time lag in understanding if holiday cover or respite is approved needs to be addressed.
- Emergency respite would be welcome when a parent or carer is struggling or requires additional support.
- A review of transportation between respite buildings and / or to school would be welcomed as moving around the district can be timely and difficult.

### Targeted Engagement – Consultation Analysis

6 separate engagement sessions were facilitated throughout the consultation period which were as follows:

No.	Session	Location
1	YPAT/Orchard View Parents and Carers	Honley Village
2	Orchard View/YPAT Parents and Carers	Orchard View
3	YPAT/Orchard View Parents and Carers	YPAT
4	All Parents and Carers of Children with SEND / Disability	Dewsbury Town Hall (Local Offer Event)
5	All Parents and Carers of Children with SEND / Disability	The Zone Huddersfield (PCAN Drop in Event)

### Summary

What works well?

- The quality of skilled staff was commented on by those who attended the targeted engagement sessions.
- Short breaks and overnight breaks in particular are incredibly important and helpful to parents and carers and there are wider ranging benefits from these. This is amplified further for single parents who are very grateful for the short breaks available to them and their child or young person.
- Transport is essential as it can be a barrier for some to access support and the activities available.
- The SEND newsletter is very informative.

What can be done differently or improved?

- Accessing information is difficult and needs to be more streamlined and coordinated.
- Travelling time between short breaks sites and activities is problematic.
- There is a lack of choice with activities sometimes.
- There are limited activities for under 8's.
- Transitioning into adult care is very challenging and perhaps needs addressing.
- A review of the community activities available is required as children with complex needs and behaviours have more limited choice compared to others.
- Parent stays in and outside of the holidays would be welcomed.

## **Young People's Perspectives – Consultation Analysis**

A total of 13 young people who use care and respite services were part of this engagement. This is a useful snapshot of thoughts, wishes, feelings and lived experience but does not capture all children and young people's views.

### ***The connection between the young people and key workers is key***

- Some of the young people who participated have accessed care and respite services regularly for a number of years, some for a short time.
- What is clear, are the bonds which are built between the young people and staff who care for them.
- Understanding communication through actions, words or specialist tools, helps the young people accessing care and respite service's feel welcome and included in their care.
- Relationships observed in this engagement are warm, knowledgeable, trusted, kind and playful. They are the foundation of the care and respite offer.

### ***Environments, activities and peers are important***

- A young person may need a flexible and adaptive space to settle into their care and respite activity or for their care needs to be met. Orchard View offers the feeling of 'home comfort' with quiet, welcoming, and safe communal spaces. The building is adapted to meet young people's care needs. Young people enjoy the privacy of 'their' bedroom and keyworkers who are committed to supporting them.
- Young people can influence their care and are enabled to make decisions about their free-time and activities on their visits. Should situations or feelings become overwhelming, there is break out space to calm or chill and people who know how to respond.
- When visiting the YPAT Base, young people can use the soft play, join in sports or arts and crafts and chill with the tech. For some of the young people, the familiarity of the building appeared to increase their engagement and communication.
- When visiting a community venue, the young people explored, played together and immersed themselves in the activity. They were observed to be happy, engaged and well supported.

### ***What children and young people communicate about their care and respite services?***

- Familiarity and routine are important. Changes to the people supporting us, places we go, and schedule of our visits can be very unsettling.
- Having choice in how our care is delivered matters. This was observed from choosing my 'room', what I will eat, the games or activities I'll join in and places I might visit.
- Being in a place where I can be with my friends and equally be able to get a little space if I need to, allows me to socialise, develop connections and gain independence. There needs to be safe spaces where I can go and feel my emotions if I'm feeling unhappy or overwhelmed.
- The consistency and relationships I build with key workers who understand my communications, likes, interests and can respond to my needs, helps me feel welcome and happy, whether this is in a residential, specialist or community setting.
- I might be able to communicate the places that I like to visit or feel welcome. My school, the bounce park, play-gyms and swimming baths are all exciting or familiar. I might need adults to ensure these places have the facilities and adjustments I need to make them accessible for my needs.
- I might need support at mealtimes (with my choices of food, feeding apparatus or behaviours). YPAT Base and Orchard View are great at understanding my needs and enabling me to eat, comfortably.

## **Staff Engagement – Consultation Analysis**

5 individuals completed the staff survey.

### **Summary**

- The activities and short breaks offer much needed short breaks to parents and carers.
- The building provides familiarity and consistency which children and young people appreciated.
- There is a range of activities offered which allows children and young people to develop social and communication skills. They have the option to interact in these activities with their peers or to participate on their own as full flexibility is offered.
- Quality specialist support is offered to children and young people.
- The staff at YPAT are trained to manage complex behaviours and medical needs so families feel their children's complex needs are met.
- The after-school outreach service in South Kirklees has reduced travel time for parents and we have received very positive feedback about the activities offered.
- Staff take the young people out on trips which they thoroughly enjoy, and this enables them to grow their confidence and independence of going out into the wider community.

## Appendix B – Needs Analysis

**Short Breaks and Respite – Needs Analysis (Report for SLT 17/01/24)****Respite Care Referral and Occupancy Data**

<b>Provision</b>	<b>April 2019- March 2020</b>	<b>April 2020 – March 2021</b>	<b>April 2021- March 2022</b>	<b>April 2022- March 2023</b>	<b>April 2023- Dec 23</b>
Referrals to Orchard View	8	1	6	6	14
Children Accessing Orchard View	54	45	32	20	14
Referrals to YPAT	4	3	7	27	17
Children Accessing YPAT	102	44	60	60	59
Referrals to CWDS	289	124	98	114	53
Referrals to Early Support Multi Agency Panel	n/a	n/a	n/a	21	13

**Occupancy Levels and Capacity when operating with fully staffed service.****Orchard view**

Number of available beds per night when operating with fully staff team	8
Number of nights available per year	2920
Number of nights currently allocated per year	1692

Number of Beds when operating with suggested efficiencies / current staff vacancies	4
Number of nights available per year	1460
Number of nights currently allocated per year	1692

**YPAT**

Activity	Capacity Per Session	Current Allocation Per Session	Weeks Per Year	Days Per Week	Hours Per Session
Summer play schemes	25	12	6	5	5
After-school clubs	12	4	40	5	3.5
Community Outreach	4	3	40	4	3.5
Weekend clubs	12	8	52	2	5
Easter play schemes	25	12	2	5	5
Christmas play schemes	25	12	2	5	5
Half-term play schemes	25	12	2	5	5

**Current Staffing Compliment**

<b><u>Orchard View budgeted establishment 24/25</u></b>	<b><u>Pay Scale</u></b>	Pay Scale Level	Weekly Hours	FTE	Vacancies
Manager	GRD 14	41	37.00	1.0	
Deputy Team Manager	GRD 11	32	37.00	1.0	
Residential Care Workers	GRD 6-8	14	466.20	12.6	4.3
Residential Care Workers waking night	GRD 6-8	14	139.86	3.8	
Cook	GRD 5	5	25.16	0.7	
Domestic	GRD 3	3	51.80	1.4	0.1
Passenger Assistant	GRD 5	6	0.00		
<b>Total</b>				<b>20.5</b>	

<b><u>YPAT budgeted establishment 24/25</u></b>	<b><u>Pay Grade</u></b>	<b><u>Pay Scale Level</u></b>	Weekly Hours	FTE	Vacancies
Team Managers	GRD 11	33	37.00	1.0	
Assistant Manager	GRD 9	25	74.00	2.0	
Group Leaders	GRD 7	17	148.00	4.0	1.5
Assistant Group Leaders / Activity Assistants	GRD 5	06	314.13	8.5	3.1
Cook	GRD 3	03	19.98	0.5	
Business Support	GRD 5	05	14.06	0.4	
<b>Total</b>				<b>16.4</b>	

## **Summary**

### **Orchard View**

Children accessing Orchard View remains low compared to pre covid levels with an average bed occupancy of 4.6 beds per night (58% capacity). Data forecasts indicate an increase in referrals will create additional demands on the service, the impact of new referrals on current demand is mitigated due to the decreased number of referrals to our Children with a Disability and ESMAP services, which has been achieved through improved signposting to early intervention services at our front door. However, data indicates referrals will continue to grow until we meet capacity if we are unable to further develop early intervention strategies and alternative resources to meet unmet need.

Current data shows additional capacity; however, we are advised by Orchard View Service manager that flexibility will need to be built into our delivery model to accommodate increased staffing ratios for children who may have complex needs and/or behaviour that challenges. It therefore suggests that based on current staffing levels and/or proposed efficiencies, Orchard View will temporarily run at capacity and be unable to accept new referrals while we have completed the transition to phase 2 of our new short breaks model.

### **Young Peoples Activity Team (YPAT)**

Data indicates that demand for YPAT will remain level due to a slight decrease in referrals to the service.

Based on the current level of service, there will be limited capacity to accept additional referrals following implementation of our proposed efficiencies (see options paper), however it should be noted that the Council does not have a legal obligation to provide these services.

Reductions to the staffing team following efficiencies would temporarily reduce capacity, our current option to meet any additional referrals would be through the allocation of Domiciliary Care Provision and or Direct Payment, we would mitigate this risk through the implementation of our planned Phase 2 Short Breaks Model.

### **Orchard View and YPAT**

Phase 2 of our delivery model will allow us to develop early intervention and bespoke solutions, ensuring we have capacity to flex up and down delivery during peak demand for services, e.g. holiday periods, we will also strengthen the assessment process and allocation of resources to meet unmet need through partnership with our Formulation Programme Team.

Appendix C – Relevant legislation

1. The Council has decided to undertake a non-statutory consultation on its proposals which has been carried out so it will improve the quality of the decision making. A fair consultation is one undertaken when proposals are at a formative stage; sufficient reasons are given for proposals to allow intelligent consideration together with criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance; adequate time is given for consideration and response; and the product of consultation must be conscientiously taken into account before any final decision is taken. Members should carefully consider the outcomes of the consultation when considering the recommendations put forward by officers in this report including the IIA and all other relevant issues.
2. The Council has a duty of Best Value under section 3 of the Local Government Act 1999 to secure continuous improvement in the way functions are carried out having regard to a combination of economy, efficiency and effectiveness following the DLUCH Revised Best Value Statutory Guidance (March 2015). On 1 July 2023 the Government began consulting on draft revised supplementary guidance which closed on 15 August 2023. The Council has a fiduciary duty to taxpayers when making funding decisions and commissioning services to ensure it has regard to all the relevant legal duties and that it is prudent, affordable and sustainable in the context of the council's unprecedented budget challenges and the statutory requirement for a balanced budget.
3. The council has legal duties in relation to the provision of short breaks which include both duties owed towards individual children and families in terms of assessment and care planning and in relation to commissioning. These duties have been taken into consideration during the redesign of the Council's short break, respite and support provision and in formulating the proposed new Kirklees Local Offer (as required by s 30 of the Children and Families Act 2014) and recommendations in this report. There are two sets of Government guidance on short breaks. Firstly, DCSF, "Short Breaks Statutory Guidance on how to safeguard and promote the welfare of disabled children using short breaks" (April 2010). This focuses on whether overnight short breaks should be provided under section 17 or section 20 of the Children Act 1989. This is supplemented by DfE non-statutory guidance: "Short breaks for carers of disabled children: Departmental advice for local authorities" (March 2011). This explains the short breaks duty under the 2011 Regulations. The main legal duties are outlined below:

**The Children Act 1989 (the 1989 Act)**

Under the Children Act 1989, all disabled children are 'children in need' within section 17 (10) (c) and (11) of the 1989 Act. This sets out a wide definition of 'disabled'-namely, "a child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity."

Local authorities have a general, or target, duty (the short breaks duty) under Section 17(1) of the Act to provide services, which safeguard and promote the welfare of children within their area who are in need, and where this is consistent with that duty, to promote the upbringing of those children by their families. This means that in relation to disabled children, local authorities need to ensure there are services appropriate to meet those

needs. There is also a duty to assess children “in need” in the context of their family circumstances.

The 'short breaks duty' under section 17 (1) of the Children Act 1989 imposes another duty on every council (section 6 of schedule 2 to the 1989 Act) to provide services designed to minimise the effect on disabled children within their area of their disabilities; and to give disabled children the opportunity to lead lives which are as normal as possible ;and to assist carers of disabled children to continue to care and to do so more effectively, by providing carers with breaks from caring. Local authorities must ensure that services to support disabled children in need and their families include services which can provide short breaks in a “crisis” and breaks which support families to manage family life effectively. Local authorities can provide overnight short breaks at home or in a community setting under either section 17 or section 20(4) of the 1989 Act in accordance with para 2 DCSF Short Breaks Statutory guidance (April 2010).

There is a Duty to Assess all disabled children at their request taking into account the family context. Section 17ZD-ZE of the 1989 Act also provides a duty to assess the needs of parent carers of disabled children, by carrying out a “parent carer’s needs assessment” where it appears a parent carer may have needs for support, or where the Council receives a request to undertake an assessment. There is no specific duty to provide support (e.g., short breaks) to parent carers of disabled children following a needs assessment being undertaken. However, consideration must also be given to the general duty under section 17(3) of the 1989 Act and to the Breaks for Carers of Disabled Children Regulations 2011. Non-parental carers can be assessed under section 1 of the Carers (Recognition of Services) Act 1995.

### **Breaks for Carers of Disabled Children Regulations 2011 (the “2011 Regulations”)**

The 2011 Regulations provide detail on how the Council must perform its short break duty under the 1989 Act. In performing the duty under paragraph 6(1)(c) of schedule 2 to the 1989 Act, a local authority must:

- (a) Have regard to the needs of carers who would be unable to continue to provide care unless breaks from caring were given to them; and
- (b) Have regard to 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. (Reg 3).

A local authority must, so far as is reasonably practicable, provide a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively. (Reg 4(1)). In particular, it 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. (Reg 4(2)).

In order to comply with Reg 4, the Council should consider, amongst other things, current provision of short breaks, from whatever source, the level of demand from service users

including unmet needs and whether current level of provision is sufficient to meet demand.

A local authority must also publish a “short breaks services statement”, published as part of the Kirklees “Local Offer” which sets out the range of services provided under Reg 4, any criteria by which eligibility for those services will be assessed, and how the range of services is designed to meet the needs of carers in their area.(Reg 5).

The 2011 Regulations do not refer to supporting parents of disabled children. to work. There are separate duties on local authorities in relation to childcare for parents of disabled children under the Childcare Act 2006.

### **Chronically Sick and Disabled Person's Act 1970 (the “1970 Act”)**

The 1970 Act provides a specific service provision duty to provide any of the specified list of services to disabled children under Section 2(4). Where a local authority following an assessment under section 17 of the 1989 Act (and Working Together statutory guidance) has determined it is “necessary” to provide services (e.g., short breaks) to meet a child's needs, there is a duty to provide an appropriate level of support to meet those needs. The 1970 Act duty can be discharged through the provision of services or commissioning of services or direct payments to the family. The list of services includes short breaks at home and in the community (s.2(6)( c ) .. The Council can have regard to its resources when setting its thresholds for when it is necessary to provide services. In such cases once it is accepted a short breaks service is needed, it must be provided to meet such needs in a cost-effective way, so it is not regardless of cost.

### **Children Act 2004**

Section 11(2) of the 2004 Act imposes a duty which requires local authorities to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children which includes in relation to commissioning of short break services and budget setting for shorts breaks.

### **Children and Families Act 2014**

Section 19 of this Act requires regard to be given to,” the views, wishes and feelings of the child, and his/her parent or young person “in relation to decisions that affect them.

For the avoidance of doubt, the Council is not exercising functions under section 27 in relation to its proposals. Section 27 requires local authorities to keep social care provision for disabled children and young people made inside and outside its area under review; and to consider the extent to which this provision is sufficient to meet the needs of these children and young people. This Act provides a clear requirement on local authorities to consider the sufficiency of provision in all relevant decision-making including budget setting. The outcome required in relation to short breaks is covered by Regulation 4 of the 2011 Regulations. The Council will need to give careful consideration to comments from disabled children, young people and parents made about the Kirklees Local Offer on short breaks. Section 27(3) requires the Council to consult a range of specified groups when it exercises functions under s.27.

### **Equality Act 2010**

Members should carefully consider before making a decision, the Integrated Impact Assessment (IIA) at Appendix D of this report. Section 149 of the Equality Act 2010 sets out the “public sector equality duty” replacing the previous duties in relation to race, sex and disability and extending the duty to all the protected characteristics i.e., race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, and gender reassignment. The public sector equality duty requires public authorities to have “due regard” to the need to:

Eliminate discrimination, harassment and victimisation and other conduct prohibited under this Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and

Foster good relations between persons who share a protected characteristic and persons who do not share it, which involves having due regard, in particular, to the need to- (a) tackle prejudice, and (b) promote understanding.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to— (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, including, in particular, steps to take account of disabled persons' disabilities; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The provision of short breaks is relevant to all of the needs above, in particular the advancement of equality of opportunity for disabled children and the importance of complying with the PSED when making decisions around resources and services and impact or likely impact on disabled children and take steps to mitigate adverse impact protected groups.

### **Article 8 of the European Convention on Human Rights (ECHR)**

Article 8 is a relevant consideration in relation to the assessment and provision of short breaks because it requires the council to respect the private and family life rights of disabled children which includes their wellbeing and ability to function socially. A breach of these rights may give rise to damages claim against the Council. Moreover, it is proper to consider international provisions, such as the UN Convention on the Rights of the Child 1989 (UNCRC) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD) when interpreting the ECHR. In particular the Council should consider, Article 3 of the UNCRC (and Article 7 UNCRPD) which requires the best interests of children including disabled children to be the primary consideration in all decisions affecting them. Article 31 UNCRC refers to children's rights to age appropriate play, leisure and recreational activities; and Article 19 of the UNCRPD refers to the right to support for disabled children's full inclusion and participation in the community. Article 8 is only engaged if the proposals interfere with service user rights, and if so, may nonetheless be permissible if justified and proportionate. Provided the council complies with its statutory duties its actions should be compliant with its obligations under the ECHR.

### **Local Authority power to Charge**

Section 29(1) of the Children Act 1989 states that where a local authority provides a service under S17 or S18, other than advice, guidance or

counselling, they may recover from a person specified in section 29(4) (i.e. each of the parents of a child under 16, a child of 16 years or more, and a member of the child's family if the service is provided to them) such charge for the service as they consider reasonable.

The Council cannot require a person of insufficient means to pay more than they can reasonably be expected to pay (S.29(2)).

Schedule 2 to the 1989 Act states: Where a local Authority provides accommodation under S20,

S21 they may recover contributions towards the maintenance of the child Looked after.

It is not lawful to charge if someone is on income-related benefits such as income support, child or working tax credits, Job seekers' allowance or employment and support allowance. (S.29(3)).