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What the Short Breaks Partnership is providing

The Short Breaks Partnership is a consortium of four organisations; Contact a Family, Council for Disabled Children, Action for Children and Kids. The partnership offers 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. Examples of best practice to demonstrate the value of Short Breaks services
2. Guidance for each of the stakeholder groups, including eLearning modules
3. Policy information and advice to parent carer forums, children and young people, families, commissioners and Short Breaks providers
4. Support for children and young people and their families to better able to access short breaks services
5. Signposting to emerging practice which demonstrates innovation in the provision of short breaks provision within the context of the SEND reforms



How Short Breaks fit into the Local Offer

by Steve Broach, Barrister, Monckton Chambers

The 'Local Offer' introduced by section 30 of the Children and Families Act 2014 ('CFA 2014') is fundamental to the SEN and disability reforms". The 'Local Offer' is intended to benefit all disabled children and young people in a local authority's area.

However the statutory scheme does not mandate any particular level of support or provision that must be made by every local authority under their Local Offer. Instead the Code of Practice states (para 4.2) that the Local Offer has two key purposes:

1. To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it, and
2. To make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review

Considering these objectives in the context of Short Breaks, every local authority must therefore have a Local Offer which:

1. Provides high quality information on available Short Break provision and how this can be accessed; and
2. Helps ensure that Short Break provision is responsive to the needs and aspirations of disabled children and young people and families in their area.

The first of these aims relating to information is clearly linked to the duty to have in place a 'Short Breaks Services Statement' which was covered in the first issue of this bulletin. Indeed at para 4.44 the Code of Practice makes clear that the Short Breaks Services Statement will 'form a core part of the Local Offer'.

The duty to include information on social care and health services, including Short Breaks, in the Local Offer is found in schedule 2 to the SEN and Disability Regulations 2014 ('the 2014 Regulations'). Paragraphs 12 and 13 of the schedule mandate that the following information must be included in every Local Offer:

12. Health care provision for children and young people with special educational needs or a disability that is additional to or different from that which is available to all children and young people in the area...

It is important to note that paragraph 12 specifically requires the Local Offer to include (a) services for early years providers (and schools and post-16 institutions) to assist them in supporting children and young people with medical conditions and (b) arrangements for making universal services accessible to children and young people with special educational needs and disabled children and young people.

13. Social care provision for children and young people with special educational needs or a disability and their families...

This undoubtedly includes Short Break services, as these are 'services provided in accordance with section 17 of the Children Act 1989', see paragraph 13(a).

Paragraphs 12 and 13 of schedule 2 to the 2014 Regulations therefore clearly require that information about all Short Break provision which is expected to be available both inside and outside the local authority's area be published in local offers, whether this is provided or funded by either health or social care.

The second part of the purpose of the Local Offer, as set out above, is to 'make provision more responsive to local needs and aspirations'. The mechanism to achieve this is the requirement in regulation 56 of the 2014 Regulations for local authorities to publish comments on the Local Offer. These comments can be made not only on the accessibility of the Local Offer and the process by which it was developed and reviewed but also on 'the content of its local offer, including the quality of the provision that is included and any provision that is not included'.

Local authorities have a positive duty to 'seek' comments from disabled children, young people and parents on Short Break provision, as well as all the other provision covered in the Local Offer (regulation 56(1)). Comments must be published at least annually (Regulation 56(3)) and on an anonymised basis. Given that the Local Offer duty came into force on 1 September 2014 all local authorities should by now have published at least the first set of comments.

Why do Local Offer comments matter? The answer to this comes from section 27(2) of the Children and Families Act 2014, which requires local authorities to keep under review local provision and consider the extent to which it is sufficient to meet local needs. As such if a local authority is told in comments on the Local Offer that its Short Break provision is inadequate, it will have a duty under section 27 CFA to review this and determine whether further investment in Short Breaks is required. This reinforces the specific sufficiency duty on Short Breaks imposed by the Short Breaks Regulations covered in the first issue of this bulletin.

For local authorities to determine whether Short Break services are sufficient they will need to gather information beyond the Local Offer comments. A decision on sufficiency will require the local authority to understand the size and needs of its population of disabled children and young people and review this against the level and quality of available services. In carrying out this exercise Local Authorities will need to have regard to a range of data sources, including its Joint Services Needs Assessment (JSNA) and its disabled children's register.

It will also be necessary for local authorities to work with children, young people and families when commissioning the services to meet their sufficiency duties. This is the fundamental purpose of the requirement in section 19 CFA for local authorities to have regard to the

views, wishes and feelings of children, young people and parents in everything they do under Part 3 CFA. It is also central to the joint commissioning arrangements required under section 26 CFA to secure the necessary education, health and care provision in each area. This in turn requires the local authority and its partners to consider the joint strategic needs assessment and the joint health and wellbeing strategy, which again disabled children, young people and families, should have the opportunity to influence, including through parent forums. Section 116A(5)(b) of the Local Government and Public Involvement in Health Act 2007 requires 'the people who live or work in [the] area' to be involved in the production of every joint health and wellbeing strategy.

In March 2011, the Department for Education published departmental advice titled 'Short breaks for carers of disabled children'. This advice supported the implementation of the Breaks for Carers of Disabled Children Regulations 2011 discussed in the first issue of this bulletin.

The Department for Education gave a clear steer in the 2011 advice that it is at least desirable for local authorities to allow access to Short Breaks on a non-assessed basis to meet relatively low level needs. As the advice notes, this approach is supported by the duty to work in partnership to safeguard and promote children's welfare found in section 10 of the Children Act 2004

It is essential however that where unassessed short breaks are available:

1. The criteria for access to those breaks is set fairly – examples given in the 2011 advice at para 4.6 of unfair criteria are special school attendance or receipt of higher rate Disability Living Allowance.
2. There is a straightforward route for disabled children, young people and families to access an assessment under the Children Act 1989 (for those under 18) or the Care Act 2014 (if over 18) if there is a possibility that the unassessed Short Breaks 'local offer' may be insufficient to meet the child or young person's needs – or if the family simply want a formal assessment to take place. There is a duty to assess every child 'in need' under the Children Act 1989, and all 'disabled' children are 'in need' – see sections 17(10)(c) and (11)

As such the Local Offer requirement dovetails with the requirements of the Short Breaks duty covered in the first issue of this bulletin. The Local Offer mandates publication of information about available services and supports the review of the quality and sufficiency of that provision generally. The Short Breaks duty and in particular the regulations made under it set the specific requirement for a sufficient level of high quality Short Breaks to be available. Compliance with both sets of legal duties should result in Short Breaks being made available to those disabled children, young people and families who need them.

This is a summary of the article, *How Short Breaks fit into the Local Offer* written by Steve Broach, barrister at Monckton Chambers. To read the full article please visit www.councilfordisabledchildren.org.uk/ShortBreaks/SteveBroach



Good practice case studies

Co-produced, co-designed from the beginning!

Wiltshire Parent Carer Council is an independent forum for parent carers of children with special educational needs or disabilities aged 0-25. Prior to 'Aiming High', fewer than 100 families across Wiltshire (excluding Swindon) were able to experience the benefit that regular access to a short break provided. Families receiving this type of support tended to be those who had children with the most complex needs. Where short breaks were being provided, this generally consisted of an offer of 'respite' following a social care assessment of needs.

Through the endeavours of Wiltshire Parent Carer Council, its members and the local authority, a culture change is becoming embedded where families, commissioners and providers actively work together in participation and co-production. As a result of these positive relationships there is an increased understanding of the respective challenges that face families, local authorities and providers. Consequently services are developed in an informed way, and approximately 1,200 families are now able to access vital support through Wiltshire's 'Short Breaks Scheme'.

To read the full story go to <http://www.councilfordisabledchildren.org.uk/sbncasestudy5>

Bringing stakeholders together to co-produce a valued resource

Enfield Council wanted to develop a local offer that is a central and valued resource for families that they turn to as their first source of information. They appointed a dedicated worker to engage with children, young people, parents and colleagues in education, health, social care and the voluntary sector to identify what services they provide, their eligibility criteria and the accessibility of the service.

They used a combination of focus groups, mystery shopper reviews and consultation with local young people to inform the development of their local offer. A group of young people also worked with the local youth service to develop a DVD to help others better understand Education, Health & Care Plans.

To read the full story go to <http://www.councilfordisabledchildren.org.uk/sbncasestudy6>



Working with parent carers to tailor short break provision

Gary and Jen are the parents of a young man with autism and other complex needs including health and behaviour support requirements. They came to a session for parents to support KIDS with producing their submission for the local offer. In this account they talk about their experiences working with a short break provider to develop a local offer that meets the needs of children, young people and parent carers.

To read the full story go to <http://www.councilfordisabledchildren.org.uk/sbncasestudy7>

The local offer as a commissioning tool

The local offer has the potential to be a powerful commissioning tool, allowing services to gather first-hand experience from families accessing their services on how they are (or are not) meeting individual needs; this individual level data when viewed collectively with feedback from a wide group of families should highlight where gaps in provision are and what could be commissioned going forward to fill these gaps. When considering short break provision, the local offer is often the first point of call for families to find out what leisure options are available locally for their children and young people to join. This case study talks about how one local authority carried out a successful joint review and needs analysis to produce a local offer that would meet the needs and expectations of children, young people and their families.

To read the full story go to <http://www.councilfordisabledchildren.org.uk/sbncasestudy8>

Tell us About Your Good Practice Examples

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



Information, support and advice

Together for Short Lives

Children's palliative care: new resource to support joint commissioning



Together for Short Lives, the leading UK children's palliative care charity, has published a new guide – 'Jointly Commissioning Palliative Care for Children and Young People Aged 0-25'. The free, step-by-step guide is designed to help clinical commissioning groups (CCGs), local authorities, and health and wellbeing boards to work collaboratively to improve commissioning for children and young people. It will be supported by two masterclasses run by the charity, which begin in December this year. The guide emphasises the crucial role that short breaks can play in providing support to the child or young person and their family. It outlines the duties and responsibilities of the bodies responsible for commissioning short breaks and sets out what quality short breaks provision should look like.

There are 49,000 children with life-limiting or life-threatening conditions across the UK – enough to fill the Royal Albert Hall ten times over. However, CCGs and local authorities can find it difficult to commission children's palliative care services due to the relatively small number of children with these conditions within each local area. Many families struggle to cope with the round-the-clock care required by their seriously ill child. Without properly funded care and support, these families can reach breaking point, putting extra pressure on GPs and emergency services.

Children and young people with life-limiting and life-threatening conditions often have very complex needs, requiring care and support from a range of organisations and professionals. Short breaks are an integral part of the support they require. These can help families to recharge their batteries and take a break from providing round-the-clock care – safe in the knowledge that the child's often complex needs are being met.

Properly commissioned children's palliative care services, including short breaks, can also achieve cost-savings for the NHS by preventing emergency hospital admissions and other acute crises among families. The guide highlights these issues and stresses the importance of collaborative working between CCGs, local authorities and health and wellbeing boards to get this right for these families who don't have time to waste.

Funded by the Department for Education, Together for Short Lives' new evidence-based guide is designed to help commissioners work together to identify these children. It also helps them to plan and fund services which provide good quality care when and where they need it. The guide sets out what local areas must and should do to implement the special educational needs and disability (SEND) reforms, the Care Act 2014 and the new approach to funding palliative care. The new guide follows a series of free resources produced by

Together for Short Lives to support the implementation of the SEND reforms, which are available [on their website](#).

There is no charge to [download and view the guide](#).

To further help local areas in England to jointly commission children's palliative care, Together for Short Lives is hosting two masterclasses. These free, all-day events will take place on:

- [London, Thursday 3 December](#): Friends House, 173-177 Euston Rd, London NW1 2BJ
- [Manchester, Tuesday 19 January](#): The Studio, 51 Lever Street, Manchester, M1 1FN

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.

Every Disabled Child Matters



Recent research published by Every Disabled Child Matters (EDCM) found that more than half of local authorities (58%) have cut spending on short breaks for families with disabled children since 2011/12. The report 'Short Breaks in 2015: an uncertain future', shows that the current financial climate is challenging the sustainability of short break provision. It warns that unless government secures continued funding for short breaks through the Spending Review, it risks undermining outcomes for disabled children and the successful implementation of the Special Educational Needs and Disability reforms.

EDCM's findings are based on freedom of information requests submitted to local authorities across England in summer 2015. EDCM also held focus groups and surveyed parent carers to find out their experiences of short breaks provision. The research reveals the impact of reduced local authority spending on short breaks, with parent carers reporting cuts to provision, barriers to accessing appropriate short breaks and increasing unmet need. This has resulted in widespread anxiety among families with disabled children about the future of short breaks and the prospect of increasing numbers of parent carers reaching crisis.

You can read the full report at: www.edcm.org.uk/shortbreaks2015

SENDirect:

Helping providers to give families the information they need



If you provide services to children and young people the chances are you've submitted your details to a number of directories over the last year. It's great to get information out there, but if you want families to be moved to contact you, or make use of the services you offer then the information you provide needs to meet parent's needs.

In the 2½ years we've been building SENDirect we've worked with 100's of families to find out what is important to them. Parents we spoke to told us that if you aren't telling them how you'll go about including their child you might as well not bother telling them anything at all.

"I'm so bored of my son being excluded or rejected from clubs and activities that now I don't even bother approaching new places unless they specifically say they take children with his needs."

Parents told us that expecting to be rejected has become a default position for them, and that you need to tell them they are welcome. The thing is doing that can be really difficult as just saying 'we're inclusive' doesn't really mean anything; inclusive to whom?

After a lot of time discussing this with families here's the solution we suggest. If you have specialist experience, for example staff who are qualified in certain things, that's great to know. However most children won't need someone specially trained or qualified. They'll need adjustments made to the way your service is delivered to make it easier for them to enjoy their time with you. Every adjustment will be different, so the best thing is to describe your approach to inclusion so families know what to expect. Including a statement like the one below in your description of your service will help families feel confident approaching you.

"At XX we appreciate that every child is unique and will need different support to enjoy their time with us. We are committed to doing our best to make all children welcome here, and work closely with families to make this happen. If you think your child will need something different from what we normally offer to be able to feel happy or be safe here, please get in touch to discuss with us how we can work together to include your child."

First look at results of a national survey on the Local Offer

A year after the implementation of the SEND reforms, a survey of parent carers and professionals was undertaken by FocusGov to gather their thoughts and opinions of the Local Offer. Participants were asked how aware they were of their Local Offer, how they used and rated it and gave them an open soapbox to fire comments, thoughts and ideas for how things could be made better. To download the report click here: <http://www.focusgov.co.uk/pages/projects/the-local-offer-one-year-on>

About the consortium

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.

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.

