

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 07/02/2022

Subject: Short Breaks Statement and Pathways to Assessment Guidance

Report of: Councillor Larry Culhane, Cabinet Member Children and Education

Report author: Becky Powell, Short Breaks Manager, Hannah Parrott, Commissioning and Contracts Officer

Responsible Director: Jan Parnell, Director of Education

SUMMARY

The following outlines updates to the Hammersmith and Fulham (H&F) Short Breaks Statement. The Statement details H&F's offer of short breaks available for children with disabilities¹ and their families in Hammersmith and Fulham, published in 2011.

The proposed updated version reflects statutory duties, current practice and feedback from coproduction and public consultation which has recently taken place.

The statement and guidance have been extensively co-produced with ParentsActive, reflecting the H&F value of doing things with residents not to them.

RECOMMENDATIONS

To Approve the updated Short Breaks Statement and Pathways to Assessment document, attached at Appendix 1 and 2.

Wards Affected: All

¹ H&F is committed to the Social Model of Disability, which frames disability as something that is socially constructed. Disability is created by physical, organisational, and attitudinal barriers and these can be changed and removed. It is also a dynamic and positive model that both identifies the barriers that disable people with impairments and how these barriers can be removed, minimised, or countered by other forms of support. Therefore, we use the language of disabled people (in this case children & young people) who have impairments or health conditions.

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Ensuring the right level of support is offered depending on the needs of the individual to ensure children, young people and their families are given the best opportunities to thrive.
Creating a compassionate council	Listening and responding to feedback from parents, carers and the Parent Forum regarding what was working well, what needed improvement and where the gaps were with regards to the short breaks offer to co-produce the arrangements for short breaks.
Doing things with local residents, not to them	The Short Breaks Statement and Pathways to Assessment guidance has been co-produced with ParentsActive and developed in response to feedback received through consultation with wider stakeholders.
Being ruthlessly financially efficient	There are no anticipated cost implications as a result of alteration of the statement and newly introduced guidance.
Taking pride in H&F	Ensuring a world class SEND service for children and young people with disabilities in H&F through the offer of short breaks, ensuring our local offer of support available is designed to meet the specific needs of children and young people with disabilities and their families.
Rising to the challenge of the climate and ecological emergency	There are no anticipated climate and ecological impacts on alteration of the statement and newly introduced guidance.

Financial Impact

There should be no cost implication because this report seeks approval for an updated Short Breaks Statement and Pathways to Assessment document.

Legal Implications

Short Breaks provisions are set out in Children Act 1989 and The Breaks for Carers of Disabled Children Regulations 2011. In essence, the statutory duties of the Council are to have regard to the needs of those who provide care for a child with disabilities who would be unable to provide care unless breaks from care are given

to them and have regard to the needs of those carers who would be able to provide care for their child with disabilities more effectively if breaks from care were given to them to allow them to: Undertake education, training or regular leisure activity; meet the needs of other children in the family more effectively; carry out day to day tasks which they must perform in order to run their household.

The Council must provide a range of services so far as is reasonably practicable to assist carers to continue to provide care or do so more effectively. This must include a range of services daytime/ overnight care, educational, leisure activities and services to assist in both the evenings, weekends and during the school holidays.

The Council must prepare a statement for carers which gives details of the range of services provided under the Regulations setting out the eligibility criteria and how the range of services will need the needs of the carers.

In addition, under the Chronically Sick and Disabled Persons Act 1970 a local authority must make arrangements for services for children with disabilities including outings and other recreational activities outside of the home.

Under Children and Families Act 2014 it is stated that a local authority must keep these services under review and consider how the proposed services will be sufficient in meeting the needs (educational, training and social care) of the children and young persons concerned. Furthermore, in reviewing these services there is a specific duty to consult with relevant people set out in section 27(3).

Approval of the updated Short Breaks Statement and Pathways to Assessment document contributes to the fulfilment by the Council of these obligations

Contact Officers

Name: Becky Powell
Position: Short Breaks Manager
Telephone: 020 8753 4443, 07786 027140
Email: Becky.powell@lbhf.gov.uk

Name: Tony Burton
Position: Head of Finance Children's Services and Education
Telephone: 07909 004710
Email: toby.burton@lbhf.gov.uk
Verified by Emily Hill, Director of Finance

Name: Jade Monroe
Position: Chief Solicitor Social Care
Telephone: 0208 753 2695
Email: jade.monroe@lbhf.gov.uk

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

Option 1 – H&F publish an updated Short Breaks guidance which takes account of the recent consultation undertaken with stakeholders.

1. A consultation exercise has been completed. The Short Breaks Statement and Pathways to Assessment document has been updated taking this into account. It will then be published to replace the current statement.
2. This option meets the local authority's duty to take into consideration the views of parents, carers, children and young people with disabilities and the voluntary sector organisations working with people with disabilities when preparing and revising the statement. Additionally, this option complies with the framework provided by the Aiming High for Disabled Children Core Offer which sets the national expectation that children, young people and their families will be actively involved in the planning and delivery of services in their local area.
3. Following the implementation of this updated guidance, it is proposed the internal guidance be updated to support professional understanding in navigating the responsibilities of each service within the pathways for assessment and support outlined in appendix 2.
4. This is the recommended option.

Option 2 – Do not update the Short Breaks, retaining the current version

5. This option would see the current Short Breaks Statement, published in 2012, remain without amendment.
6. The statement would not reflect current practice or advice offered via the Local Offer and Stephen Wiltshire Centre. Additionally, this option would fail to follow the duty incumbent on the local authority as stated by the Department of Education 'short breaks for carers of disabled children: departmental advice for local authorities'. This advice states the statement must be kept under review and it should be revised when new services become available, or when there are changes to existing services. This option would also mean H&F are not responding to feedback received from parents/carers and professionals.
7. This is not the recommended option.

Reasons for Decision

7. The Children Act 1989 requires local authorities to provide services designed to assist family carers of children with disabilities 'to continue to [provide care], or to do so more effectively, by giving them breaks from caring'. As part of this duty local authorities have a statutory duty to publish a short break service statement, which sets out the short break services available in their area, the assessment pathways to accessing those services and how those services meet the needs of

carers in the area. The duty also requires local authorities to keep the statement under review and where appropriate revise the statement. When reviewing short breaks provision the local authority also have a statutory duty under the Children and Families Act 2014 to consult with parents, carers, children and young people with special educational needs and disabilities.

8. The current [H&F Short Breaks Statement](#) was produced in 2012, providing guidance to parents and carers on support available to children and young people with disabilities. Information on H&F's short breaks offer is also provided on the Local Offer website and through the Stephen Wiltshire centre.
9. Following both a review of the guidance by officers and extensive co-production with the ParentsActive Steering Committee, it is recommended that the current statement is updated to reflect the current service offer with additional information included in the document such as clear Pathways to Assessment. This guidance outlines eligibility based on level on need, providing clarity for both parents/carers and professionals. The updated document also provides consistency of information published by the local authority including information provided on the Local Offer website and at the Stephen Wiltshire centre.
10. An update of the Short Breaks Statement and Pathways to Assessment document based on feedback received to date has been co-produced with ParentsActive. Additionally, a consultation exercise has been completed with wider stakeholders in line with the H&F priority of doing things with residents not to them to ensure the updated criteria reflects the needs and views of parents/carers, service users and providers.

Equality Implications

11. There are no anticipated equalities issues. An Equality Impact Assessment has been completed on 17/06/21 prior to consultation and has been kept under review. This can be found at Appendix 3.

Risk Management Implications

12. The recommendation set out in this report will enable the Council to continue to fulfil its statutory duties and provide appropriate services and support the vulnerable residents and their families. The Short Breaks Statement has been updated to take account of feedback received through consultation responses which is in line with the Council objective of doing things with local residents, not to them.

Implications completed by: David Hughes, Director of Audit, Fraud, Risk and Insurance, tel 07817 507 695

Climate and Ecological Emergency Implications

13. There are no anticipated climate and ecological impacts on alteration of the statement and newly introduced guidance.

Implications verified by: Jim Cunningham (Climate Policy and Strategy Lead, 07468 365 829)

Consultation

14. Following approval of the consultation strategy by the Children's Leadership Team and Cabinet Member for Children and Education in July 2021, a public consultation was launched via CitizenSpace, closing on 2nd November 2021. This consultation was extended from the original timeline to accommodate the summer holiday period.
15. The consultation exercise was separated into three surveys: the first requesting feedback from parents/carers and young people on the draft Short Breaks Statement and Pathways to Assessment guidance, the second requesting feedback from providers on the Short Breaks Service and the third requesting feedback from parents/carers and young people on the Short Breaks Service.
16. The consultation was shared via the Children's Services staff newsletter, school staff zone newsletter, the H&F website, the Local Offer website and ParentsActive parent forum. Additionally, information on the consultation was shared with parents during the vaccination sessions held at the Stephen Wiltshire Centre. Two consultation events were held jointly by the Short Breaks service manager and ParentsActive both in person and virtually via Zoom.
17. The total number of responses received was low despite efforts by the service to publicise the activity. 5 responses were received from parents/carers and young people in response to the draft Short Breaks Statement and Pathways to Assessment guidance, 3 responses were received from providers on the Short Breaks Service and 12 responses were received from parents/carers and young people on the Short Breaks Service.
- 18. Following the consultation, it was suggested that further work be taken regarding the design of the statement and guidance. This design work is currently pending, however does not impact the material content of the appendices.**

LIST OF APPENDICES

Appendix 1: Short Breaks Statement

Appendix 2: Pathways to Assessment

Appendix 3: H&F Equality Impact Analysis Tool