

Decision maker: Cabinet Member for Education

Subject: Targeted Short Breaks

Date of meeting: 24th July 2019

Report from: Alison Jeffery
Director Children, Families and Education

Report by: Julia Katherine
Head of Inclusion, Education Service

Wards affected: All

Key decision: No

Budget & policy framework decision: No

1. Purpose of report

- 1.1 To inform the Cabinet Member for Education of the potential pressure on the targeted short break budget in 2019-20 and make recommendations as to how this pressure can be managed.

2. Recommendations

- 2.1 It is recommended that the Cabinet Member for Education:
- a) **Notes the increase in the uptake of targeted short breaks by families with a child with Special Educational Needs and Disabilities (SEND), and the pressure this will exert on this budget in 2019-20.**
 - b) **Agrees that a consultation takes place with stakeholders regarding changes to the allocation of targeted short breaks, including consideration of a range of options:**

3. Background , summary of the legislative framework and local context

- 3.1 The [Department for Education - Short Breaks Guidance 2011](#) states that Local Authorities must provide a range of short breaks as per paragraph 2.2 of the guidance.
- 3.2 Local authorities should enable carers of disabled children to have breaks from caring by providing, as appropriate, a reliable range of services. The local authority should secure, as appropriate:

- a) Provision which will enable disabled children to participate in educational and recreational activities;
 - b) Provision of day-time care for disabled children in both their own homes and elsewhere, including befriending, sitting (for example where someone is commissioned to look after a child who for example cannot leave home) and sessional services;
 - c) Provision of overnight care for disabled children in both their own homes and elsewhere; and
 - d) Emergency care, for example, due to illness in the family. If the emergency relates to safeguarding concerns the guidance in Working Together must be followed.
- 3.3 The responsibilities described in c) and d) are delivered through the Children and Families Service as the specialist short break offer via Beechside short break respite provision.
- 3.4 The Portsmouth Targeted Short Breaks offer refers to a) open access recreational activities in the format of the Inclusive Holiday Playscheme, Teenage Holiday Programme, Teenage Project and the Portsmouth Autism Support Network activities (referred to as Targeted 1) and b) day time care in the format of the Specialist Holiday Playscheme and pre-paid cards (both referred to as Targeted 2).
- 3.5 Portsmouth commissions two contracts to ensure the provision of targeted short breaks for families with a child with a disability. These cover a) and b) as described above:
- The Targeted 1 Short Break contract providing recreational activities (a) has a value of £77,000 per year. The contract is due to end in March 2021.
 - The Targeted 2 Short Break contract providing daytime care (b) for the delivery of the Specialist Holiday Playscheme has a value of £147,000 per year. Children's Social Care contribute £24,023, Education contribute £122,977. The contract is due to end in March 2020. The Targeted 2 offer also includes the option of a 'pre-paid card'.
- 3.6 Families of children with an EHCP and attending a special school or in receipt of full time support in a mainstream school, are entitled to a Personal Budget which is provided in the form of a pre-paid card. This can be used for any short break activities the parent feels best meets their child's and family's needs and is part of the Targeted 2 offer.
- 3.7 As part of the Targeted 2 offer, £148,000 is allocated to fund pre-paid cards. This was reduced by £45,000 in 2018-19, following several years where this budget was underspent. Currently 495 families have opted to take up the offer of a pre-paid card, out of a total of 696 who are eligible. The funding allocated per family per year is currently £300. There is an expectation that this uptake will continue to increase as overall numbers of children with

EHCPs has increased and there is greater awareness of the support available to families.

- 3.8 Historically, there has been an underspend on this budget as the take up of pre-paid cards has been less than 100%. In order to increase the take-up of personal budgets, the procedure for allocating and offering families a pre-paid card was incorporated into the process of finalising an Education Health and Care Plan (EHCP). This has successfully increased the take-up, however for this reason there will be pressure on this budget in 2019-20.
- 3.9 Some families access more than one 'short break'. For example of the 91 children accessing the 'Targeted 2' Holiday Playscheme, 71 also accessed a pre-paid card. There are approximately 150 families currently receiving specialist short break services in addition to the targeted offer. 120 of these families receive a pre-paid card.

4. Reasons for recommendations

- 4.1 In December 2018, a review of short breaks across Children's Services was commissioned. The purpose of this review was to address any interface issues between the targeted and specialist offer and to consider whether any further savings could be achieved from this budget.
- 4.2 It was advised that key objectives in terms of savings decisions should be to:
- ensure services are allocated fairly and targeted at those who most need them
 - continue to provide families with choice and control
 - improve outcomes and satisfaction with short breaks
 - commission services that provide improved value for money
 - enable eligible disabled children to undertake education, training or regular leisure activity
 - help families carry out day to day tasks
- 4.3 There also should be awareness of the legal context and the Islington judgement. Steve Broach, Luke Clements and Janet Read in their publication 'Disabled children; a Legal Handbook' write '*It is permissible, therefore, for children's services authorities to operate eligibility criteria to limit access to services. However, the principles of public law and departmental guidance demand that there must be a rational process for deciding which children are eligible for services and which are not. Eligibility criteria must therefore: be transparent because of the policy expectation – see, for example, the 'local offer' created by CFA 2014 s30 – and the need to comply with public law duties and an authorities' obligations under ECHR article 8; every 'local offer' must include information as to any eligibility criteria governing access to social care services for disabled children and young people;*

- *explain in clear 'everyday language' how services are allocated on the basis of need;*
- *take account of the impact of disability on children and families;*
and
- *have been the subject of consultation which has taken into account (among other things) the relevant equality duties, particularly the duty under Equality Act 2010 s149 (see paras 9.97–9.107).*

5. Options considered and recommendations

- 5.1 A number of options have been considered, and will form part of the consultation, including the following. Respondents to the consultation will also have the opportunity to suggest additional options for consideration.
- 5.2 **Limiting eligibility criteria for pre-paid cards** . Access could be determined for example via an early help assessment. Applications would need to be received and considered on an annual basis. The benefit of this approach is that it would target those families most in need, however there would be additional cost implications of moving to an annual application process. In addition, the legislation makes clear that families should have access to some short breaks without an assessment.
- 5.3 **Removing the current scheme of pre-paid cards in its entirety.** This is an option could be considered in order to protect the rest of the short break offer, as it could be decided that the continuation of the provision of pre-paid cards is no longer affordable. This option may not be popular with those families that receive pre-paid cards as in recent surveys that have been undertaken parents have fed back how much the cards have been valued and the positive impact it has had on these families.
- 5.4 **Reduce the value of pre-paid cards** e.g. from £300 to £200 in order to reduce the pressure on the targeted short breaks budget and enable those families who benefit from this support to continue to access it.
- If there were 100% take up of the pre-paid cards, even at this reduced rate, the cost of delivering this service would be higher than the budget available, creating a budget pressure. Reducing the value to below £200 per year could be considered, but this would reduce the value to such an extent that the cards could lose their effectiveness in being able to fund a short break.
 - To mitigate to some extent the reduction in the value of the cards, it is proposed that all families eligible for a pre-paid card are also given a Family Card. These are provided by the Parenting Network and provide families with discounts on a range of leisure events and days out in the city. The cost of each Family Card is £15.
- 5.5 **Offer the pre-paid card only to families not accessing specialist short breaks.** There are approximately 150 families currently receiving specialist short break services in addition to the targeted

offer. 120 of these families receive a pre-paid card. A potential difficulty with this option is that it is likely to be a deterrent to families accessing commissioned activities (as families are not able to access both under this option). It also withdraws the support from families who are assessed as being in greatest need of support and respite, however it would ensure that support is available to as broad a range of families as possible. Consideration would need to be given to ensure that families are offered a pre-paid card as part of the process of a case being closed to the Children's Disability Team.

- 5.6 **Offer an annual allocation, based on numbers of applications and budget available.** This would ensure that the support can be delivered within the funding available, regardless of any further rise in the number of eligible families. Under this proposal, however, consideration would need to be given to the timing of applications, which would need to be sent in by the end of February and any new applications after this date would have to wait until the following year to receive short breaks. It is also possible under this proposal, depending on the number of applications, that the allocation is so small that it does not make the intended difference for eligible families.
- 5.7 In addition to the above options for consideration, the specialist holiday playscheme is due for retender in April 2020. It is therefore proposed that the consultation also seeks views on potential changes to the whole of the Targeted 2 offer, not just pre-paid cards. Feedback will be sought on the balance of the amount spend annually on the two aspects of the Targeted 2 offer: pre-paid cards and the specialist holiday playscheme,

6. Summary and conclusion

6.1 As set out above, it is recommended that consultation is undertaken with stakeholders on the options set out above is undertaken starting in September 2019, for implementation of any changes from April 2020.

6.2

7. Equality impact assessment

7.1 A full Equalities Impact Assessment is being completed.

8. Legal implications

8.1 The legal framework under which short breaks are provided includes:

- The Children Act 1989 requires Local Authorities to safeguard and promote the welfare of a child "in need" by providing a range and level of services appropriate to their needs.
- The Breaks for Carers of Disabled Children Regulations 2011 which requires Local Authorities to provide breaks from caring to assist parents

and others who care for children with a short break from their caring responsibilities and to produce and review a Short Break Statement.

- Chronically Sick and Disabled Persons Act 1970 requires a Local Authority to provide to a disabled child a short break when necessary to meet that child's needs.
- The Children and Families Act 2014 seeks to ensure that children, young people and families are at the centre of decision making. It requires Local Authorities to offer families the choice of having a personalised budget to better enable them to have more control over the services they use.

8.2 It is important that the consultation process recommended in this report is fair and transparent and ensures that:

- Consultation is undertaken at a time when proposals are still at a formative stage;
- The proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
- Adequate time must be given for consideration and response; and
- The product of consultation must be conscientiously taken into account in finalising any proposals.

8.3 The Cabinet Member for Education has the power to approve, reject or modify the recommendations in accordance with the authority detailed in the City Council's constitution.

9. Finance comments

9.1 Since the procedure for allocating and offering families a pre-paid card has been incorporated into the process of finalising an Education Health and Care Plan (EHCP) the take up has and will continue to increase. Even with current number of families eligible for a prepaid card the value of the payment needs to reduce in order to remain within the allocated budget. The available budget of £148,000 would provide sufficient funding for up to 643 families to receive a pre-paid card for £200, a Family Card costing £15 and allowing for the administration fee of £15 per card. This is less than the number of families who are currently eligible, but greater than the number of families currently accessing the pre-paid cards.

Signed by: Alison Jeffery - Director of Children, Families and Education

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on