

HPCI Position Statement on Short Breaks for disabled children

Local Authorities (LAs) have a legal duty to provide breaks for carers and disabled children which are called 'short breaks'. The legislation that applies to short breaks is as follows:

1. The Chronically Sick and Disabled Persons Act 1970 which creates a right for disabled children to receive social care services, including short breaks when they are assessed to be necessary to meet their needs. This act applies to the child and not to other members of the family.
2. The Children Act 1989 schedule 2 para 6 of which requires LAs to: 'assist individuals who provide care for such children to continue to do so more effectively, by giving them breaks from caring'. In practice this means that LAs must not only offer breaks to families in or near crisis but also support families to allow effective caring to continue by providing appropriate services for them.
3. Breaks for Carers of Disabled Children Regulations – 2011 – these regulations require LAs to set out a range of services to help parents of disabled children have time away from their caring responsibilities. The range of services must include: day time or overnight care in the home or elsewhere, educational or leisure activities for disabled children outside their homes or elsewhere and services to assist carers in the evenings, at weekends and during the school holidays.
4. Children and Families Act 2014 – SEND Code of Practice which says that LAs must take the views of parents, children and young people into account so that services, like short break services, meet their needs.

Sources of guidance – Contact www.contact.org.uk has a factsheet: Short Breaks – Help for you and your child to take a break - available to download from it's website and you can contact their helpline by email: helpline@contact.org.uk or Tel: 0808 808 3555
All LAs must publish a SEND Local Offer website where you will be able to find details of short breaks on offer and access criteria in Hertfordshire this is www.hertfordshire.gov.uk/localoffer Further information and support is also available via the KIDS Hubs in Hertfordshire contactable via www.kids.org.uk/hub

Nationally great improvements were made in the access to and variety of short breaks available to disabled children and their families following a government initiative in 2009 called Aiming High for Disabled Children. Many LAs improved the access to short breaks by simplifying the assessment process and providing a much wider range of breaks after listening to families' views and experiences.

However, since the significant cuts to public spending began there has been a reduction (in the majority of LAs) to the number, type and availability of short breaks and higher threshold levels in order to access them. Budgets have been reduced at the same time as an increase in the child population coupled with increasing complexity of needs in disabled children. This has led to increasing levels of stress and fatigue in families of disabled children which is being widely reported.

In Hertfordshire there have not yet been large cuts to the short breaks budget but there has been a significant increase in the child population in Hertfordshire and therefore an increase in demand that is not matched by an increase in budget. This means that the same money must go further and the size of short break support packages for families are decreasing. The closure of the Nascot Lawn respite facility for children with complex needs following the withdrawal of funding by Herts Valleys Clinical Commission Group has increased the pressure on the LA's three overnight respite units which are operating at maximum capacity. Parents report that they need and want overnight respite but can't get it.

We recognise that in recent years the LA has made considerable strides in improving the range and ease of access to short breaks but this is being eroded by rising demand and budget pressures, with families reporting that they are receiving fewer short breaks and there are still gaps in suitability of breaks and geographical availability. In several areas of the county parents report significant difficulties in finding suitable carers where direct payments have been awarded especially those with children with complex needs particularly health needs. There are issues in the west of the county for families of children under 5 with complex needs in accessing short breaks as well as the 30 hours childcare offer.

HPCI believes that a good range and availability of short breaks is vital to ensure the following:

- Parents and carers can care well for their disabled child
- The risk of family breakdown is reduced
- That disabled children are enabled to lead lives which are as normal as possible
- That parents are enabled to care effectively for siblings

HPCI believes that an increase in real terms to the budget (reflecting cost and population increases) for short breaks is vital to prevent family crisis and more children ending up in care or in residential services far from the family home.

HPCI welcomes the LAs continued commitment to involving parents in the development, review and commissioning of short break services. Further collaborative work with providers and the voluntary sector needs to be done to increase the range of short breaks on offer, improve access to universal activities and to resolve the issues around use of direct payments noted above.

HPCI recognises that the LA is, through it's Early Years workstream, trying to address the needs of families with a young child with complex health needs.

HPCI believes that more could be done through early intervention and an effective commissioned programme of parent skilling which would help reduce family stress and future demands on specialist services. We believe this would be particularly effective in

enabling parents to understanding conditions where behaviour can challenge and to help them with sleep management. The cumulative effects of poor sleep levels are well researched, documented and understood.

HPCI believes that further work needs to be done by the LA to improve the recording of short breaks on the EHC plan in section H1 including looking at what activities the child is able to access in the education setting such as clubs, school trips and social events.