

# Short breaks services statement



**April 2014**

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## 1. Introduction

The information in this statement has been gathered by consulting parents and carers directly, working with local stakeholder groups and providers, and feedback from young people on the things they like to do.

### Cumbria's vision

The statement links to our Children and Young Peoples Plan 2013-14 and will provide the basis through which our commissioning plans for Short Break services are delivered. This will ensure that we provide the range of Short Breaks that families need and value. We will continue to fully involve parents and carers and children and young people in this process to ensure that we continually provide what families need and help us to decide what we change and what we keep.

### Who is responsible?

The lead officer at Cumbria County Council currently responsible for preparing this statement is Senior Manager Complex and Additional Needs.

### Publication and Review of the Statement

We will ensure that our Short breaks service statement is published on the [www.cumbria.gov.uk](http://www.cumbria.gov.uk) local authority website. We will also widely distribute it to parents and carers through parent forums, support groups and partners in education, health and social care.

The statement will be reviewed annually in partnership with our parents' forums, stakeholder groups, CCC Disability Teams and young people to ensure that it is up to date and reflects the views and choices of local families. We will use the on-going consultations and surveys to make changes and improvements and to ensure that our Short Breaks continue to reflect the needs of different families living in Cumbria who have disabled children.

### Legal Requirements

Please see Appendix 1 for the legal regulations in relation to Short Breaks.

## 2. How do we define disability?

In Cumbria we use the definition from the 1995 Discrimination Act

*"a physical or mental impairment which has a substantial or long-term effect on a person's ability to carry out normal day to day activities"*

## 3. What are Short Breaks?

Short Breaks give Children and young people with disabilities the opportunity to spend time away from their main carer. A short break should enable parents/ carers to have a break from caring, developing positive family relationships as a result.

Children and young people with disabilities should be involved in a range of activities that they want to do and have a say in what services shall be available. They should have the opportunity to make friends, have fun and develop their confidence and independence.

A short break can be anything from 2hrs a day to an overnight Short Break.

No disabled child should be prevented or excluded from accessing a short break

The following examples of questions may be asked for the purposes of deciding who can access a short break.

### Does the child?

1. Have a single disability, or moderate difficulties in learning and communication.
2. Have moderate or severe needs in learning, speech and language.
3. Have sleeping or feeding issues.
4. Have a high level of emotional and/ behavioural difficulties.
5. Have moving and handling needs, do they need assistance in personal care.
6. Have more complex needs such as: children with substantial and permanent disabilities, children with complex and life limiting health needs, children with severe autism, children with severe sensory loss and severe communication needs.

## 4. What have we done so far and how do we know what's needed?

- ✓ Feedback from parents on the Short Breaks services which have been used to check we are delivering what is needed and to inform future service delivery.



- ✓ Grant Funded for specific Short Breaks projects – Extending age range of the Aspergers group in Furness, activities for children with hearing impairments, sports activities for children with disabilities.
- ✓ Consultation with parents, including support for the Parent/ Carer groups, contract monitoring of Short Breaks, commissioning of Short Breaks services.
- ✓ Short Breaks Stakeholder groups across the county meeting on a regular basis.
- ✓ Capital investment in Short Breaks across the county.
- ✓ Increase in the hours of Short Breaks being delivered across the county.

## 5. How can people contribute to Short Breaks services?

### Cumbria Parent Carer Forum

Cumbria Parent Carer Forum is currently hosted temporarily by Cumbria YouthAlliance and you can find out more details about the county wide group and other more local parent carer support groups in your area by visiting their website: <http://www.cumbriaparentcarerforum.org.uk/>

Cath Clark or Brian Le Voi  
54a Main Street  
Cockermouth  
Cumbria  
CA13 9LU  
**Temporary Phone:** 01900 822110

Children's services support the work of Cumbria Parent carer Forums through grant funding to achieve the following outcomes and objectives:

Cumbria Parent Carer Forum Steering Group are to ensure parents and carers of children and young people with disabilities are given opportunities to inform, discuss, consult and support the Council in provision of services for children with SEN and Disabilities.

The objectives of the group are:

- To engage with a wide range of parents and carers of disabled children to ensure their views are represented.
- To contribute to the Health and Joint commissioning for services for children with disabilities.
- To support the Council in the continued review of the statutory obligation placed on councils for the annual Short Break statement.
- To contribute to the monitoring of the Short Breaks contracts with the Short Breaks Partnership Groups, including attendance at monitoring meetings.
- To contribute to the District Transition Groups and County Transition Steering Group.
- To support and engage in consultation on the move from current assessment processes to a single Education, Health and Care Assessment.
- To support and engage in consultation on work to investigate the role and impact of personal budgets linked to a single assessment and plan.
- To support co-construction of the Local Offer.

## **Cumbria Parent Partnership Service**

Cumbria Parent Partnership Service offer practical support, impartial information and advice to parents/ carers whose children have special educational needs or a disability which may affect the way their child/ children can access education.

Cumbria Parent Partnership Service Co-ordinators also support and attend many different local parent carer groups as well as the county wide steering group of Cumbria Parent Carer Forum .These local groups are also consulted with and involved in the short breaks agenda and wider issues involving children with disabilities.

## **Cumbria Parent Partnership Service**

### **Confidential Telephone Helpline**

<b>Area</b>	<b>Name</b>	<b>Contact details</b>
Furness and South Lakeland	Karen Hull	<b>01229 407559</b>
	Celia Jones	<b>01229 407439</b>
Allerdale and Copeland	Janette Baines	<b>07795 110940</b>
	Phyllis Bowler	<b>01946 506416</b>
Carlisle and Eden	Emma Stephenson	<b>07769 935446</b>

**This may be a voicemail recording, but please leave a brief message.**

## **Stakeholder groups**

There are three Stakeholder Groups across the county covering:

**Allerdale and Copeland**

**Carlisle and Eden**

**Furness and South Lakes**

These groups meet on a regular basis and work together on the Short Breaks provision for the local area.

They are attended by service providers, parents and County Council staff. The contracted providers for Short Breaks lead on these meetings.

## **Contract monitoring**

The County Council's Children's Services Contract Management Team will lead on the monitoring of the Short Breaks contracts on a quarterly basis in partnership with other CCC officers. This will ensure that service delivery is meeting the needs of children and young people with disabilities and will take into account the views of parents, carers, children and young people in the planning and development of service provision.

## **Consulting**

We welcome your feedback on Short Breaks services across the county and will continue to consult with you throughout the lifetime of the statement, mapping provision and identifying gaps in service.

## **Training opportunities**

These will be explored with Children's Services workforce development team and with providers of Short Breaks.

## **Publicity**

The Local Authority will work in partnership with Short Breaks providers to ensure effective marketing and publicity of the provision.

The Commissioned Short Breaks Providers are required to provide parents with a regular newsletter which informs them on the services being provided within the locality.

Information is regularly distributed by Cumbria Children's Services through the 'Aiming High Network' mailing list. To be included on this mailing list please contact:

**Tel:** 08457 125 737

**Email:** [childrens.information@cumbria.gov.uk](mailto:childrens.information@cumbria.gov.uk)

## **Contacts for compliments/ complaints**

If you have anything to say about our services or about our staff we want to hear from you. Please send your compliments, comments or complaints to:

### **Complaints Team**

Cumbria Children's Services  
5 Portland Square  
Carlisle  
CA1 1PU

**Phone us:** 01228 221161

**Email:** [childrens.complaints@cumbria.gov.uk](mailto:childrens.complaints@cumbria.gov.uk)

## 6. What Short Breaks services are on offer in Cumbria

### Commissioned Providers

In Cumbria 3 elements have been commissioned for the period April 2013 to March 2016. These are;

**Element 1;** Specialist age appropriate group activities for children aged 8-13 years with severe and complex needs, including holiday activities, weekend breaks and after school/ evening activities.

**Element 2;** Specialist age appropriate group activities for children aged 14-19 years with severe and complex needs including holiday activities, weekend breaks and after school/evening activities.

**Element 3;** Individual Support service for children and young people aged 0-8 with severe and complex needs. This is a planned service to be delivered in the child's home or 1 to 1 support tailored to meet the needs of the family and child to enable the child to access activities and opportunities in the community. The provider can provide a maximum of 2 hours support per week or 4 hours per fortnight. This service cannot be offered to child or young person who is already receiving a service from the Children with Disabilities Team.

The current commissioned providers in Cumbria from April 2013 to March 2016 are:

Provider	Area	Elements
Oaklea Trust	Furness and South Lakes	All 3 elements
Carlisle Mencap	Carlisle and Eden	All 3 elements
Westhouse	Allerdale and Copeland	All 3 elements

### Additional provision

Children's Centres have been commissioned to deliver Short break activities for children aged 0-8 years old disabled children and their siblings, this is included in their 3 year contract from August 2011 - 2014.

The table below shows examples of the variety of provision in each area of the county:

Name of Short Break	Type	Age	How this is accessed	When does it take Place
Overnight Short Breaks	Specialist overnight residential homes - Huntley Avenue, 23, Hart Street, The Elms, Hospice. Short Breaks Foster Carers	0-19 years	Young Person needs to meet level 4 of the eligibility criteria	Dependent on assessed need as identified in the young persons care plan
Oaklea Trust Short Breaks for Furness and South Lakes	Element 1 & 2 - Group activities, weekend breaks, day trips, Element 3 - One to one support	8-19 years 0-8 years	Contact provider <a href="http://www.oakleatrust.co.uk">www.oakleatrust.co.uk</a>	Various times throughout the term and holidays. See provider website for up to date details.
WestHouse Short Breaks for Allerdale and Copeland	Element 1 & 2 - Group activities, weekend breaks, day trips, Element 3 - One to one support	8-19 years 0-8 years	Contact provider <a href="http://www.westhouse.org.uk">www.westhouse.org.uk</a>	Various times throughout the term and holidays. See provider website for up to date details.
Carlisle Mencap Short Breaks for Carlisle and Eden	Element 1 & 2 - Group activities, weekend breaks, day trips, Element 3 - One to one support	8-19 years 0-8 years	Contact provider <a href="http://www.carlislemencap.co.uk">www.carlislemencap.co.uk</a>	Various times throughout the term and holidays. See provider website for up to date details.
Children's Centres across the county	Support groups and activities for children with disabilities	0-8 years	Contact provider <a href="http://www.cumbriasurestartchildrenscentres.co.uk">www.cumbriasurestartchildrenscentres.co.uk</a>	Various times throughout the term and holidays. See provider website for up to date details.
Direct Payments	One to one support	0-18 years	Young person needs to meet level 4 of the eligibility criteria	Dependent on assessed need as identified in the young persons care plan
Barrow Sports Council	Range of sports activities	0-18 years	Contact provider <a href="http://www.barrowsportscouncil.org.uk">www.barrowsportscouncil.org.uk</a>	Various times throughout the term and holidays. See provider website for up to date details.

## 7. Transport

Parents and carers provide their own transport to and from Short Breaks, including use of public transport. Where families have no access to either of these, other transport options may be considered as an exception. We aim to have Short Breaks provision available locally so that families do not have to travel long distances. We would also aim for young people to be supported to use public transport where possible to maximise their independent living skills.

Cumbria's Short Breaks Capital Fund has been used to enhance a variety of Short Breaks settings and we have purchased additional minibuses for some commissioned providers in order to develop transport services for Short Breaks activities.

### Concessionary Travel

#### NoWcard

Cumbria County Council is responsible for administering the English National Concessionary Travel Scheme (ENCTS). The scheme will provide free off peak travel on scheduled bus services for people of pensionable age and people with disabilities.

If you cannot travel without help then your carer will be able to travel with you free of charge. This is a discretionary concession which the county council has decided to offer. Your companion is only able to travel at the same time as you within the county's boundary. If you require this concession you will need to provide evidence that you are unable to travel without assistance.

To get your NoWcard visit the library in Barrow, Carlisle, Kendal, Penrith, Whitehaven, Workington or the Local Links in Alston, Kirkby Stephen or Ulverston. You won't need to fill in a lengthy application form or take in a passport photo as the library staff will do this for you. Your NoWcard will be sent to your home address.

#### 24/7 Disability NoWcard

Cumbria County Council is continuing the travel initiative which helps disabled people access work, including unpaid-work, training or day-care services. The initiative enables those with a Disability NoWcard to travel for free before 9.30am over the age of 16 years. Anyone with a current Disabled NoWcard who needs to access work, including unpaid-work, training or day-care services and can apply for a 24/7 Disability NoWcard. You can download an application form from [cumbria.gov.uk](http://cumbria.gov.uk) or alternatively you can call 01228 226720 and we will post a form to you, or you can get one from Barrow, Carlisle, Kendal, Penrith, Whitehaven or Workington Libraries, Alston, Kirkby Stephen or Ulverston Local Links.

Further information is available at [cumbria.gov.uk](http://cumbria.gov.uk)



## Accessibility

Across the Council, there is a strategy to ensure that our public buildings and services are accessible to all. Every reasonable effort is made to ensure there is access to all areas in public buildings, and where this is not possible, alternative arrangements are put in place to ensure that people with disabilities are not prevented from accessing services and support.

Examples of accessible facilities across the county include, Leisure Centres, Children's Centres, voluntary organisations, youth clubs, cinema card club where the carer gets in for free and outdoor facilities.



## 8. How can you access Short Breaks Services

### Eligibility Criteria

#### Is your child eligible to receive a service from Children's Services?

Disabled children are considered 'children in need' under the 1989 Children Act and are entitled to an initial assessment from Children's services if their needs cannot be met by their family and by services in the community. However, most disabled children and their families should be able to have their needs met without requiring a social care assessment.

An eligibility framework is used to help parents and carers, and practitioners evaluate and understand what support may be appropriate. This helps us to ensure that those in the greatest need and at the highest risk receive services and that everyone who requests a service is dealt with fairly.

#### How does this work?

- If a parent feels that they cannot meet theirs or their child's needs with the current support available to them, they can ask one of the practitioners involved with them for a Common Assessment, or, if their child is under 5, for an Early Support Family Service Plan.
- This simple assessment will help you and all those working with you to think about what your needs are, where you need to get to, and what services or actions are needed to get there.
- If this assessment identifies needs that cannot be met with the resources available, a referral can be made to Children's Services.

#### What happens then?

When you are referred, or if you refer yourself, to Children's Services, you will be offered an assessment, this can take from 10 to 45 days to complete.

We use the National Assessment Framework (DOH 2000) and other assessment tools to complete this and things we will consider are:

- Are parents/ carers having difficulties in caring for their child?
- Does the child have severe or complex disabilities?
- Does the care of the disabled child have a significant impact on their siblings?
- Are there a number of other agencies or services involved?
- Are there any concerns about safety, health or development?
- How serious are any of these issues?
- Is the environment the child is living in causing severe difficulties?
- Does the parent have any needs of their own, as a carer of a disabled child?

### We will also take into account:

- Activities your child is already accessing
- Services already being provided and why
- What extended family support is available
- Any additional needs – such as rurality or ethnic background
- The information provided by other agencies

During the initial assessment, the eligibility framework will be used to decide what level of support could be offered to meet the current needs.

### The levels of needs and support available to meet them are:

- **Universal** – these are services that all children should be able to use, (sometimes with additional support).
- **Targeted** – these are services that are set up especially for vulnerable or disabled children and may include parenting support, and group activities.
- **Specialist** – children who will need specialist services designed for their particular needs and funded by Children's Services and/or health.

If the identified needs are deemed to require universal or targeted services you will be offered information about other services that might be able to support you, or activities that your child might be able to access, or advice and guidance on any concerns you may have.

If the identified needs are deemed to require more specialist services a more detailed assessment may be carried out. The worker undertaking this assessment will gather further information from all agencies and will meet with you and your child.

- The worker will then draw up a care plan with you that will identify what the outcomes of any service should be, which services will be provided, how long for, and what they should achieve in that time. The care plan will be reviewed at least every 6 months.

### What happens if my needs or those of my child change?

We recognise that children's needs can change as they develop and that family's needs change over time. This may lead to an improvement in your situation or deterioration. If your circumstances change, you can ask your involved worker for a review of your child's assessment or of the care plan. If you are already receiving a service, the regular review should take account of these changes and the care plan should change accordingly.

Children's services are aware and have received feedback from parents that the eligibility criteria needs updating and adapting and this is being progressed

## Target groups for commissioned Short Breaks providers

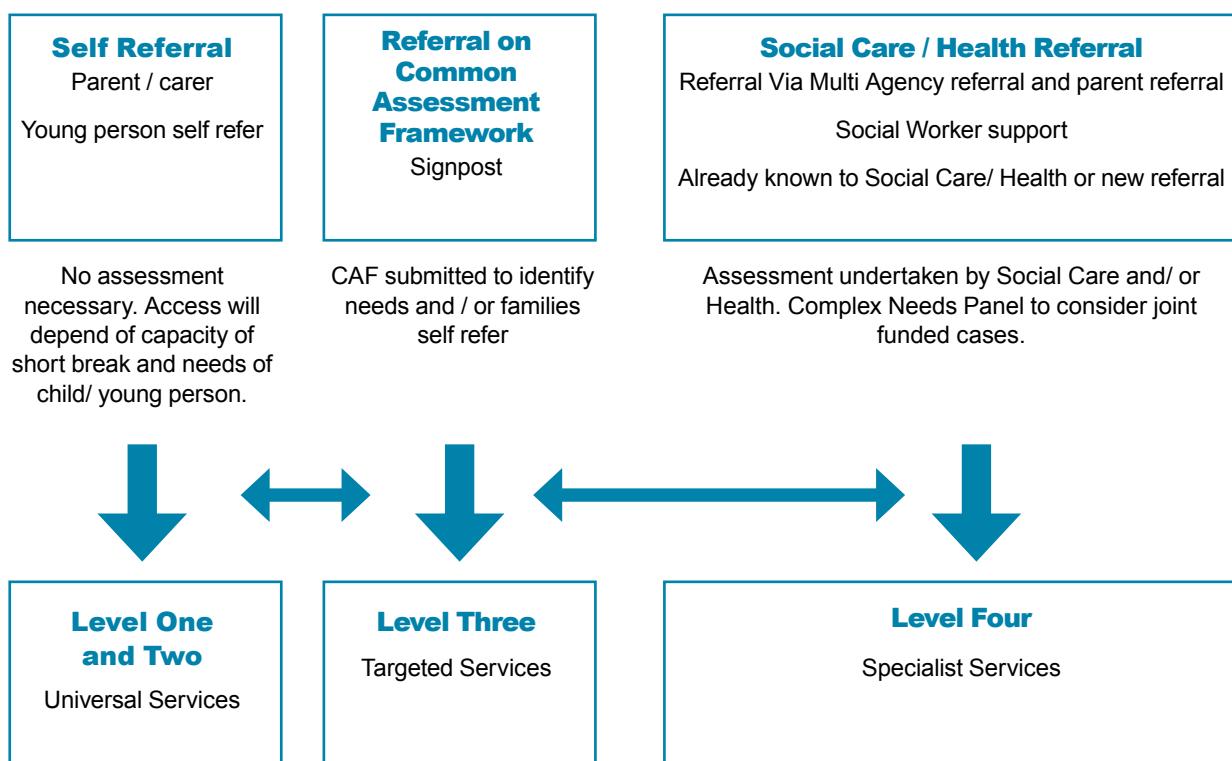
The target group for these services are as detailed in the Full Service Offer described in the Government's Short Break Implementation Guidance which identifies five 'groups' of children and young people with disabilities for whom additional attention to that detailed in the Eligibility Criteria (Appendix 1) should be given to ensure that they are not disadvantaged in accessing short breaks

### These groups are:

- Children and young people on the autistic spectrum
- Children and young people with complex health needs
- Children and young people over age 11 with moving and handling needs
- Children and young people where behaviour that challenges is associated with additional impairments (e.g. severe learning disability)
- Young people with a disability aged 14+

## Pathways to Access Short Break Provision

The diagram below gives a simplified overview of how children and young people can access the different types of short break provision dependant on need and levels of support, for a more detailed overview see Appendix 2.



### **Cost of Short Breaks**

Where possible Cumbria will liaise with their stakeholders to ensure Short Breaks are affordable to all. We encourage providers to seek additional funding sources to enhance the services on offer and keep the costs affordable. The cost of a Short Break will differ depending on the needs of the child.

The commissioned Providers of Short Break have agreed a consistent charging policy across the county.



## 9. Direct Payments

### Frequently asked questions

- 1. How do I get a direct payment?**  
A: *A Direct payment is allocated to a child following an assessment of need by Children's Services, if it is identified that the child meets Level 4 of the Eligibility Criteria. (Enclosed in this document is a new draft eligibility criteria that reduces the domains to 3 levels, this has to be ratified)*
- 2. What level of direct payments will I receive?**  
A: *The level of direct payments depends on the needs of the child. During the assessment the impact on the parent/carer and siblings will be considered.*
- 3. What should the support worker be doing with my child?**  
A: *A care plan is developed using the assessment and the person employed using the direct payment hours should be undertaking the type of support as identified within the care plan.*
- 4. Do support workers need a CRB (Criminal Records Bureau) check?**  
A: *All direct payment workers need to be CRB checked to ensure that they don't have a history of hurting children or vulnerable people.*
- 5. Can I use a direct payment for my child to have an overnight stay with my support worker?**  
A: *Direct payments can only be used for overnight care when this has been identified in the care plan and agreed by the team manager. Hourly rates are not paid in these circumstances but there are set allowances for sleepover and waking nights.*
- 6. Can I use a family member?**  
A: *Family members may only be used in exceptional circumstances this is usually decided when an assessment is being completed and when all other options have been considered. Family members cannot be used if they live in the same house as the child. Any support must be part of the assessed need and must be agreed by the team manager.*
- 7. How much can I 'bank' in my direct payment account?**  
A: *You can only accumulate up to 8 weeks of payments. If you accrue more than this or use the allowance for things that are not identified within the care plan then you may be asked to repay and your account could be suspended or terminated.*
- 8. Can a direct payment be accrued to use in the school holidays only?**  
A: *The care plan will identify which support package would best meet the needs of the child. It may be the support package is all year round, term time only, school holidays only. Sometimes it is necessary to have different levels of support for term time and school holidays.*
- 9. How do I get an assessment of need to determine whether my child can have a direct payment?**  
A: *A parent can self-refer to Triage or a professional can request an assessment following a CAF.*  
*When an assessment is completed, the outcome will identify the outcomes for the child. Other services or resources may also be identified for the child. Once the assessment has identified that there is a need for the child to have support, then a direct payment may be put in place. The allocated worker will work with the family and the child to identify what the direct payment can be used for and this will be in the child's care plan.*

- 10. How do I find a direct payment support worker?**
  - A. *You will be asked to identify a support worker. Often, these support workers can be found through schools, college or agencies. DACE can also help you look for a carer.*
- 11. How do I get the support worker checked through DBS?**
  - A. *DACE will do this for you and these checks will be reviewed 3 yearly.*
- 12. Can I “bank” direct payment funds?**
  - A. *You can bank up to 12 weeks’ funds unless your care plan specified that you need extra funds for holidays. If there is more than 12 weeks’ money in your direct payment account, this will be suspended.*
- 13. How will my direct payment be monitored?**
  - A. *Your social worker or child and family worker will ask to see a record of your bank statements at your child’s review. Also, finance administrators will monitor whether the direct payment returns match the identified needs of the child written in the care plan.*
- 14. Can I use an alternative to DACE to provide a costing plan?**
  - A. *Yes you can but you will have to fund this service yourself, plus the costing plan has to be agreed with your allocated worker and their line manager.*
- 15. Can I use my direct payment to pay for another driver on my car insurance?**
  - A. *The car should have home/business insurance and it is the responsibility of the carer/parent to pay for and arrange appropriate insurance.*

## 10. Transition

In Cumbria we want to support all young people with a disability into adulthood successfully. Becoming an adult is about developing independence, enjoying a social life and getting a job. This means that a young person with a disability may need support to access further education, training and employment, social opportunities and housing advice. The young person's family may continue to need Short Breaks, so, young people approaching adulthood and their families should be involved in planning their adult lives in order to ensure that support and services are genuinely responsive to their needs.

Cumbria has County and local Transitions Steering Groups which identify all young people who may require the continued provision of support and services into adulthood.

The local Authority will ensure it meets the needs of the new approaches to Special Educational Needs and Disability (SEND) and any changes to policy or legislation arising from the Legislation on Reform of Provision for Children and Young People with Special Educational Needs.

## 11. Future Developments

### Key Points from the SEND Reform Agenda

- **Children and Families Bill**

Duty for joint commissioning

LA and Health Bodies working in partnership

Single assessment process and EHC plan

Personal budgets for children or young people with an EHC plan

- **The Local Offer**

LA to publish a 'local offer' –services available locally for children and young people with SEND this can be used to support the Short Break agenda.

A well presented, accessible, up to date Local Offer – has the potential to - Provide families with timely information, advice and guidance and can develop confidence in the system. It can support early intervention, identify local needs and gaps in provision and inform joint commissioning .

It can reduce the need for formal assessments and it should let families know what is available and how to access services that underpins the Education Health and Care Plan.

Co-construction of a Local Offer with parents will help to identify the gaps and support future commissioning.

- **Reducing the need for Assessment**

Provision of information helps supports early intervention and:

Helps families and professionals to identify the gaps.

These develop confidence in the system and assists in families' belief in the process. The longer term outcome could be a reduction in the need for assessment but we have to get it right from the start!.

- **A Single Plan**

The Local Offer can support the production of the single plan

The challenge will be in clarifying at what point a child or young person requires a single EHC plan to support their identified outcomes

Targeted and specialist services can be 'drawn down' from the Local Offer

- **Personal budgets**

Las to prepare a personal budget:

- in relation to an EHC plan.
- where a request has been made by parent or young person.
- may include a direct payment.

Details in regulations

- **SEN code of practice, main review headlines**
  - Revised Code of Practice.
  - Removal of School Action and School Action Plus, one category of SEN at school and in early years.
  - Individual education plans?
  - May revise statutory guidance on identification, on BESD.
  - Proposal to lay Code before Parliament.

- **And for Short Breaks**

The “code” acts as the bible for education souls.

As the new plans have a much more multi agency approach the code will need to be understood further. Its currently being re written and will be out for 12 weeks formal consultation in the Autumn.

- ***The Mandate: A mandate from the Government to the NHS Commissioning Board: April 2013 to March 2015***
  - Sets priorities for the NHS for the coming two years.
  - The NHS Commissioning Board is legally required to pursue the objectives in the Mandate. CCGs have a statutory duty to act consistently with the Mandate.

The Mandate states:

*“...there is a particular need for improvement, working in partnership across different services... in supporting children and young people with special educational needs or disabilities. The Board’s objective is to ensure that they have access to the services identified in their agreed care plan, and that parents of children who could benefit have the option of a personal budget based on a single assessment across health, social care and education.”*

There will be new reforms and changes in health provision for disabled children. The mandate acts as the NHS to do list, Children with SEN and Disabilities now a priority. There will be a children’s representative on the new Health and Well Being Board.

There will be an EDCM Charter for Disabled Children and Health and Well Being Board and the guidance attached to it will also give you all the information you need on the new Health system

## 12. Appendices

### Appendix 1 – Legal Guidance

Draft Regulations laid before Parliament under section 104(3A) of the Children Act 1989, for approval by resolution of each House of Parliament.

### The Breaks for Carers of Disabled Children Regulations 2010

Made 2010, Coming into force 1<sup>st</sup> April 2011.

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by paragraph 6(2) of schedule 2 to the Children Act 1989 (1).

In accordance with section 104(3A) of that Act, a draft of these regulations was laid before Parliament and approved by resolution of each House of Parliament.

#### Citation and commencement

1. These Regulations may be cited as the Breaks for Carers of Disabled Children Regulations 2010 and come into force on 1<sup>st</sup> April 2011.

#### Interpretation

2. In these Regulations-

“the 1989 Act” means the Children Act 1889;

“carer” means a person who provides care for a disabled child and who is-

(a) The child’s parent, or

(b) A person who is not the child’s parent but who has parental responsibility for that child; and

“disabled” has the meaning given in section 17(11) of the 1989 Act (2).

#### Duty to make provision

3. In performing their duty under paragraph 6 (1)(c) of schedule 2 to the 1989 Act (3), a local authority must-

(a) have regard to the needs of those 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 those 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.

**Types of services which must be provided**

4.- (1) In performing their duty under paragraph 6(1)( c) of schedule 2 to the 1989 Act, a local authority must provide, so far as reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively.

(2) In particular, the local authority must provide, as appropriate, a range of –

- (a) day-time care in 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.

**Short breaks services statement**

5. - (1) A local authority must by 1<sup>st</sup> October 2011, prepare a statement for carers in their area (a “Short Breaks services statement”) setting out details of –

- (a) the range of services provided in accordance with regulation 4,
- (b) any criteria by which eligibility for those services will be assessed, and
- (c) how the range of services is designed to meet the needs of carers in their area.

(2) The local authority must publish their Short Breaks services statement, including by placing a copy of their statement on their website.

(3) The local authority must keep their Short Breaks services statement under review and, where appropriate revise the statement.

(4) In preparing and revising their statement, the local authority must have regard to the views of carers in their area.

## **Appendix 2 - Current Eligibility Framework for Services and Short Breaks for Disabled Children in Cumbria**

Information for professionals, agencies and families regarding eligibility thresholds, criteria and routes to accessing service provision for disabled children from Health, Children's Services, community activities etc.

It is recognised that the needs of children and their families change and that the process of assessment and providing appropriate levels of support needs to reflect this, therefore children can move through the four levels at various times in their lives.



**Level 1** - Disabled Children who can access universal services without support but who need information on what services are available.

Information, advice and guidance from: Children & Families Information Service, Children's Centre, Aiming High Network, Health Visitors, Cumbria Youth Support Service, access to GP, School Nurses.

Examples of types of leisure opportunities available: Brownies, Guides, Scouts, Cubs, Dance groups,

Referral route: Self Referral, Early Support, Team Around the Family

Child's Developmental Needs – Child may have one or several of the following difficulties:	Family and Environmental Factors	Parent/Carer Factors
<ul style="list-style-type: none"> <li>• Single Disability.</li> <li>• Moderate Learning Needs.</li> <li>• Moderate Speech and Language Difficulties.</li> <li>• Some Emotional/Behavioural difficulties not responding to structure, routine.</li> <li>• Moderate Developmental Delay affecting self-care, basic skills.</li> <li>• Disturbed sleeping pattern.</li> <li>• Independence in basic care skills.</li> </ul>	<p>← and →</p> <ul style="list-style-type: none"> <li>• No major issues reported by parents/carers or other professionals</li> </ul>	<p>← and →</p> <ul style="list-style-type: none"> <li>• No major issues reported by parent/carers or other professionals.</li> </ul>

**Level 2-** Disabled Children who can access universal plus services that may need additional support and/or advice from the Children's Information Service.

Examples of types of leisure opportunities available: After School clubs, Breakfast Clubs (through schools), Mentor to support attendance at universal services, Sports Council website, access to GP, School Nurses, Health Visitor

Referral route: Self Referral, Professional Referral, Early Support and Childcare team, Team around the Family.

Child's Developmental Needs – Child may have one or several of the following difficulties:	Family and Environmental Factors	Parent/Carer Factors
<ul style="list-style-type: none"> <li>• Single Disability.</li> <li>• Moderate Learning Needs.</li> <li>• Moderate Speech and Language Difficulties.</li> <li>• Some Emotional/Behavioural difficulties not responding to structure, routine.</li> <li>• Moderate Developmental Delay affecting self-care, basic skills.</li> <li>• Disturbed sleeping pattern.</li> <li>• Independence in basic care skills</li> </ul>	<ul style="list-style-type: none"> <li>• One adult provides all/most of caring needs.</li> <li>• Limited extended family support</li> <li>• Parent feels that some of their needs or needs of partner/ siblings are not met.</li> </ul>	<ul style="list-style-type: none"> <li>• No major issues or family and friends support less frequent</li> </ul>

**Level 3** - Disabled Children who require targeted services and whose needs cannot be met by mainstream or universal services without someone to support them and who may also need access to children's community nurses, LD Nurses, Health, OT, Physiotherapy, Speech and Language Therapy, or who may need 'What Now programme' (for children diagnosed with an autistic spectrum condition)

Examples of types of leisure or short breaks: Mentor/support to attend universal services, Youth Clubs, Gym sessions, sitting service (where available).

Referral route: Common Assessment Framework, Early Support, Team around the Family, Parental Referral

Child's Developmental Needs – Child may have one or several of the following difficulties:	Family and Environmental Factors	Parent/Carer Factors
<ul style="list-style-type: none"> <li>• Single disability or multiple disabilities.</li> <li>• Moderate/Severe Learning Needs.</li> <li>• Moderate Speech and Language Difficulties.</li> <li>• High level of Emotional/ Behavioral difficulties not responding to structure, routine.</li> <li>• Moderate Developmental Delay affecting self-care, basic skills.</li> <li>• Difficulties with sleeping.</li> <li>• A moderate level of personal care/physical needs.</li> <li>• Complex health needs.</li> <li>• Feeding Difficulties e.g. gastrostomy feeding</li> <li>• Moving and handling issues (requiring hoisting or assisting with transfers).</li> <li>• The child with disability is at risk of significant harm or significant risk to their development without the provision of services.</li> </ul>	<p style="text-align: center;">← and →</p> <ul style="list-style-type: none"> <li>• Children from different relationships.</li> <li>• Poor housing.</li> <li>• Budget problems.</li> <li>• Difficulties with caring for own needs or needs of siblings.</li> <li>• Serious parenting issues.</li> <li>• Where one adult provides all/ most of caring needs.</li> <li>• Limited family support or no family support.</li> <li>• Parent feels that some of their needs or needs of partner/ siblings are neglected</li> </ul>	<p style="text-align: center;">← and →</p> <ul style="list-style-type: none"> <li>• Only seeks support in crisis.</li> <li>• Struggles to care for other siblings or dependant adults.</li> <li>• Learning Difficulties/Mental Health patterns.</li> <li>• Significant alcohol/drug misuse.</li> <li>• Child or siblings present as poorly dressed, uncared for.</li> <li>• Poor diet</li> <li>• Lack of stimulation for child/ siblings.</li> </ul>

**Level 4** - Disabled Children with specialist needs which cannot be met by universal, universal plus and targeted services without someone to support them.

Examples of services available: Overnight residential short breaks/Shared Care, Direct payment, targeted activities, funded support workers, hospice, CAMHS, Children's Community Nurses, Challenging Behaviour Team (where available).

Referral route: Early Support / CAF / Team around the Family and referral to Children with Disabilities Team.

Child's Developmental Needs – Child may have one or several of the following difficulties:	Family and Environmental Factors	Parent/Carer Factors
<ul style="list-style-type: none"> <li>Multiple Disabilities. (More than one child with a disability or adult with disability, within same household).</li> <li>Severe learning needs.</li> <li>Severe Speech and Language/ communication difficulties.</li> <li>Difficulties in uptake of Health, Early Years, Nursery, Education.</li> <li>High level of emotional/ behavioral difficulties.</li> <li>Severe developmental delay, no basic skills.</li> <li>Height/weight gives cause for concern</li> <li>Moving and handling issues.</li> <li>Children with palliative care needs.</li> <li>Family suffers from consistently disturbed sleep.</li> <li>Difficulties with eating and drinking e.g. child takes long time to eat or reflux, also risk of aspiration.</li> <li>A high level of personal care/ physical needs.</li> <li>Sustained challenging behaviour</li> </ul>	<p>← and →</p> <ul style="list-style-type: none"> <li>Single Parents/carers.</li> <li>Limited or no family support.</li> <li>Poor Housing.</li> <li>Unable to respond to own needs or needs of siblings.</li> <li>Attends to own needs in preference to needs of child and siblings.</li> <li>Family suffers from consistently disturbed sleep.</li> <li>Complex family dynamics affecting care of child.</li> <li>One adult provides all/most of caring needs.</li> <li>Parent feels that some of their needs or needs of partner/ siblings are neglected.</li> <li>Family struggle with budget.</li> <li>Evidence that parents relationships is at risk of breakdown.</li> <li>Parent/carer has been unable to manage challenging sustained behaviour</li> </ul>	<p>← and →</p> <ul style="list-style-type: none"> <li>High level of parent/carer concerns.</li> <li>Not engaging with Health/ Education and other professionals.</li> <li>Only seeks support in crisis.</li> <li>Struggles to care for other siblings or dependant adults.</li> <li>Learning Difficulties/Mental Health Patterns/Physical Disabilities</li> <li>Significant alcohol/drug misuse.</li> <li>Child or siblings present as poorly dressed, uncared for.</li> <li>Poor diet.</li> <li>Lack of stimulation for child/ siblings</li> <li>Safeguarding issues.</li> <li>Level 3 support has been in place but there is evidence that the capacity to continue to care for the child or young person is deteriorating.</li> <li>Repeated periods of crisis intervention.</li> <li>Evidence of resistance/ inability to change sustained challenging behaviour and working with strategies.</li> </ul>