

Short Breaks Services Statements:

Commitment and
transparency

Every Disabled Child Matters (EDCM) is the national campaign to get rights and justice for every disabled child.

EDCM is a consortium campaign with four lead members: Contact a Family, the Council for Disabled Children, Mencap and the Special Education Consortium. Between them, the campaign partners work with and represent 770,000 disabled children and young people in the UK. EDCM has over 34,000 supporters.

The Every Disabled Child Matters Campaign wants central and local government to:

- Give disabled children and their families new rights to the services and support they need to lead ordinary lives.
- Invest resources to make sure these rights can become a reality.
- Give disabled children and their families a new level of priority, and work with them to improve the services they receive.

For more information and to sign up to support the campaign please visit www.edcm.org.uk

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Short Breaks Services Statements: Commitment and transparency

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Executive summary

Parents told parliamentary hearings in 2006 that ‘the lack of short breaks was the biggest single cause of unhappiness with service provision’. Since 2008 there has been a huge amount of investment in short breaks and between 2010/11 – 2014/15 the Government is making the biggest ever investment in short breaks. To underpin this financial commitment the Government has also introduced a ‘Short Break Duty’ on Local Authorities (LAs), which requires LAs to publish a ‘Short Breaks Services Statement’ with detail about local short break provision.

EDCM has analysed 55 short breaks services statements and the findings of our research are extremely encouraging. Most short breaks services statements that we reviewed met the requirements of the regulations in almost every criterion. This demonstrates a marked improvement in local provision of short breaks, in transparency and in information provision. As a result, it is clear that this ‘Duty to provide’ has acted as a positive catalyst for cultural change, and policy and practice improvement in a wide range of LAs. This is an excellent indication that duties such as these can enable innovation and drive good practice within local areas, in a way which benefits the LA and local families.

Of the short breaks services statements EDCM analysed we found that:

- There has been a high level of legal compliance with the Duty, with 98% of LAs demonstrating they are providing all the services they need to locally.
- More LAs are operating high quality eligibility criteria. EDCM’s analysis of eligibility criteria in 2010 found that 28% of local authorities were at risk of legal challenge. Of the eligibility criteria we have viewed within short breaks services statements we believe that now only 15% of LAs may be at risk of legal challenge. However we remain concerned that some areas are limiting access to short breaks through legally questionable eligibility criteria.

- There has been a notable increase in the number of areas developing Local Offers for short break services. This is to be welcomed however, there is some concern that only high level detail is provided in many of these Local Offers that may be difficult to navigate for many families. To make the Local Offer an effective tool we believe there needs to be a clear duty to deliver the Local Offer to underpin the Green Paper’s proposals.
- The requirement to produce a short breaks services statement has made information about short break provision much more accessible to local families. This has been particularly true when LAs have regarded families with disabled children as their main audience and presented the information in an accessible way.
- There is evidence that the participation of parents in both the consultation and commissioning of services is becoming ingrained. However it is vital that LAs involve parents in an ongoing way in reviewing local short breaks to ensure that short break provision is meeting the needs of local disabled children and their families.

EDCM believes that it is vital that local disabled children and their family’s perceptions of how short breaks services statements are being delivered are monitored. This will enable us to gather information on how the statements have influenced local service delivery.

Introduction

Parents told parliamentary hearings in 2006 that ‘the lack of short breaks was the biggest single cause of unhappiness with service provision’. Since 2008 there has been unprecedented investment in short breaks, this has resulted in:

- over 105,000 more disabled children receiving short breaks – an increase of 184% since 2008
- over 73,000 more children with the highest level of needs receiving short breaks – an increase of over 200%
- an additional 193,000 nights and an additional eight million daytime short break hours (a total increase of 135%) are being provided each year (total increase across all daytime short breaks service models)¹

Parents have reported that the investment and improvements in short breaks since 2008 has had a transformative impact on their lives. One parent told the Every Disabled Child Matters (EDCM) campaign:

“The last eighteen months has been absolutely immense. My son has now done surfing, he wouldn’t climb before but now he’s got to the top of the wall, he’s been on the zip wire, kayaking, drama, pantomime. It’s made him come out his shell; he’s just grown and grown from it all. I had this little boy who was always around the house watching videos and he’s changed so much”²

The Government has committed to spending £800million between 2011 and 2014 on short breaks through the Early Intervention Grant³. The Government has also demonstrated the importance that it places on short break provision through the implementation of The Breaks for Carers of Disabled Children Regulations or the ‘Short Break Duty’.

This came into effect in April 2011 and created a legal Duty on local authorities (LAs) to provide breaks for caring. Under this Duty, LAs are legally bound to provide a range of short breaks services including:

- day-time care in the homes of disabled children or elsewhere
- overnight care in the homes of disabled children or elsewhere
- educational or leisure activities for disabled children outside their homes
- services available to assist carers in the evenings, at weekends and during the school holidays.

LAs were also required by 1st October 2011 to prepare a ‘Short Breaks Services Statement’ for carers with information about local short break provision. Under the regulations LAs were informed that this statement must include:

- details of the range of local services available
- any criteria against which eligibility for services will be assessed
- how the range of services has been designed to meet the needs of local carers.

LAs are required to publish their short breaks services statement and place a copy of the statement on their website; keep the statement under review, and, where appropriate revise the statement. LAs are also required to have regard to the needs of local carers when preparing and revising the statement.

EDCM lobbied for the introduction of this Duty within the Children and Young Person’s Act 2008, and has campaigned for the specific regulations the Government has produced to support its implementation. We also welcomed the Government’s accompanying guidance to help LAs meet their legal requirements under the Short Breaks Duty and in particular to produce legally compliant eligibility criteria.

Many LAs use eligibility criteria to decide what services children in their local area can access. The expansion of short break provision has highlighted difficulties that LAs

1 Together For Disabled Children (2011) Towards a more ordinary life...A report on the progress of parent carer participation and the development of short breaks: 2008 - 2011

2 EDCM (2011) Raised Expectations: Parental experiences of short breaks

3 This money is non-ringfenced

have in designing legally compliant eligibility criteria. This confusion led to a judicial review challenge, *R (JL) v Islington LBC* (2009)⁴ ('the Islington judgment') where the judge, Mrs Justice Black, stated that there is a 'pressing need for guidance' on setting eligibility criteria. This call for guidance was re-iterated by EDCM in 2010 after research found that up to 28% of LAs who provided public information on eligibility criteria were at risk of legal challenge⁵. EDCM has therefore strongly welcomed the publication of 'Short Breaks for Carers of Disabled Children: Advice for local authorities', which looks at addressing this confusion.

This report looks at LA compliance with the Short Break Duty through analysing 55 short breaks services statements that have been sent to EDCM from LAs. It aims to identify good practice and also to explore what further guidance it may be helpful to provide LAs with to enable them to fully meet the requirements of the Duty and the needs of local disabled children and their families.

4 (2009) 12 CCLR 322

5 EDCM (2010) Calling for Clarity: Eligibility criteria for short breaks
p.6

Methodology

In October 2011 EDCM wrote to all LAs in England to ask to view a copy of their short breaks services statement. We received and analysed the 55 full short breaks services statements that we received against the following criteria:

- Is there evidence the LA is providing the full range of required services?
- Is the LA eligibility criteria linked to the statement?
- Does the statement explicitly state how it meets local carers' needs?
- Is the statement published on the LAs website?
- Is there evidence the statement will be kept under review?
- Is there evidence that the LA have had regard to the views of local carers when developing the statement?

We have analysed eligibility criteria against the guidance set out in the Department for Education's publication "Short Breaks for Carers of Disabled Children: Advice for local authorities",⁶ the examples of good practice highlighted in the Council for Disabled Children's publication "Eligibility Criteria Guidance for Local Authorities"⁷ and against what parents have told us they see as good practice through the EDCM short break tracking research⁸.

In addition to analysing LA's compliance with the regulations, we have looked at the information, quality and transparency of the short breaks services statements from the perspective of a parent in the local area. The purpose of this was to establish how clear the information would be to a parent, and whether they would be able to have a reasonable estimation about which short breaks are available in the local area and what their child

might be able to access.

The 55 short breaks services statements that we reviewed account for just over a third (36%) of all LA short breaks services statements. We identified these 55 statements through writing to English LAs and asking them to send their short breaks services statement to us within a two month period.

We received short breaks services statements from approximately a third of LAs. We are aware that the LAs that sent their short breaks statements would be those who were more willing to have their short break statement assessed, as they were more confident that it was meeting the requirements within the Duty. Consequently, we searched the websites of all LAs in England, and established that 140 LAs had published a short breaks services statement – a 92% compliance rate.

6 Department for Education (2011) Short Breaks for Carers of Disabled Children: Advice for local authorities

7 <http://partner.ncb.org.uk/pdf/Eligibility%20criteria%20final.pdf>

8 See Short Breaks Tracking Interim Report (2009), No going back! Parents expectations of short breaks (2010) and Raised Expectations: Parental experiences of short breaks (2011)

Overall trends

The following table presents the findings from our analysis of 55 short breaks services statements and their compliance with the Short Break Duty.

	Yes	No
<i>Is there evidence the LA is providing the full range of required services?</i>	98%	2%
<i>Is the LA eligibility criteria linked to the statement?</i>	93%	7%
<i>Does the statement explicitly state how it meets local carers' needs?</i>	78%	22%
<i>Is the statement published on the LAs website?</i>	98%	2%
<i>Is there evidence the statement will be kept under review?</i>	84%	16%
<i>Is there evidence that the LA have had regard to the views of local carers when developing the statement?</i>	95%	5%

The most striking trend that EDCM has found through its short breaks research is that the overwhelming number of short breaks services statements that we reviewed complied with each of the legal requirements under the Short Break Duty. We assessed short breaks statements against the Duty's six legal requirements; over 90% of statements met their requirements in four of the Duty's six requirements. Furthermore, the majority (60%) of statements analysed met every single requirement in the regulations. However, it remains a concern that a significant minority (40%) of statements were failing to meet one or more of their legal requirements.

The only exception to this was in relation to the quality of eligibility criteria where 15% were poor.

EDCM also assessed the quality of the information in the short breaks services statements that we reviewed⁹. This also produced positive findings, with high quality information in the majority of statements. In a quarter of the statements we analysed, either every category was high quality or every category was high quality with only one category satisfactory. These findings are encouraging and demonstrate that the general quality of the short breaks services statements that we reviewed is high.

Pervasive themes

We have focused this report on looking at short breaks services statements against the requirements in the Short Break Duty. However there were several themes arising from the report that we felt were important to mention. These are:

Accessibility

Many eligibility criteria state that short breaks are for children who are 'severely' disabled. The definition of 'severe' is subjective, and could easily result in confusion over who is eligible for services. It could also place LAs at risk of not taking into account the environmental and familial factors surrounding the child.

Reduced need for assessment

Many local areas are working to increase inclusion by making more short breaks available through universal services. Many LAs are looking as much as possible at ways to reduce the number of families that need an assessment, such as through operating a Local Offer which provides a minimum level of support without assessment. In some cases, informal first steps towards determining needs were put in place – for example, the short break team fill out questionnaires with families to identify which universal short break services they could access. These sessions filling out questionnaires also allow short break teams to identify where families might need a more formal assessment.

Improved provision of information

Parents have told EDCM that they want usable and clearly accessible information on the internet about local short breaks including information on: what breaks are available; who is eligible; where and when they take place and who to contact to find out if you can attend. Parents stated that they want this information to be provided in a range of languages and to be well sign-posted for families new to disability or without a social worker. Parents also stated that they continue to value information on paper leaflets, for ease of reference and for parents who were not able to access the internet easily¹⁰.

One of the most positive trends within short breaks services service statements is the information about local short break provision that families are now able to access that meets the criteria set out above. This is helpful in enabling families to know what short breaks are available locally that they may be able to access. There has also been a trend to provide details of local policies on transport to short breaks and children accessing short breaks during their transition to adulthood.

Design of short breaks services statements

There was a wide variety of approaches used by LAs when designing short breaks services statements. Good practice examples include statements designed to be accessible for families presenting information in easily read and understandable formats. Methods that LAs used to make their statements family friendly included: no jargon; information divided into clear sections with a contents page; long passages broken up into bullet points or separate paragraphs; use of speech bubbles, coloured boxes, tables, and appendices. These documents were highly usable as specific information was easy to find and understand. However, it should be noted that statements that were well designed were not necessarily the statements that contained the most useful information.

10 EDCM (2011) Raised Expectations: parental experiences of short breaks

Eligibility criteria

93% of local authorities¹¹ included eligibility criteria on how they assess for short breaks

Increasing the quality and transparency of eligibility criteria for short breaks is a long term campaign goal for EDCM. The legal requirements determining the operation of eligibility criteria for the allocation of disabled children's services is complex and something that LAs have found challenging to translate into practice. This complexity has led to parents finding eligibility criteria in many areas confusing. This has been reflected across the three years of EDCM's short break tracking research in which families with disabled children stated they felt that LA application of short break eligibility criteria was leading to confusion and that there was a lack of consistency, this has led to many parents reporting that they were unclear about how to get short breaks, who to approach and what they are entitled to¹².

For these reasons EDCM has strongly welcomed the requirement on LAs to link to any eligibility criteria they have within short breaks services statements and the publication of guidance on eligibility criteria. This guidance provides LAs with the legal clarity they have called for and also enables parents to be able to more confidently hold their LA eligibility criteria to account. EDCM's analysis of eligibility criteria in 2010 found that 28% of local authorities were at risk of legal challenge. Of the eligibility criteria we have viewed within short breaks services statements we believe that now only 15% of LAs may be at risk of legal challenge. This is a huge improvement and reflects the benefits of introducing the Duty and accompanying guidance.

It is to be noted that the regulations do not require LAs to have eligibility criteria but to publish any eligibility criteria that the LA uses. It is EDCM's view though that it is only appropriate not to communicate clear and consistent eligibility criteria where a local area has decided to provide unlimited access to short breaks to all families with disabled children without assessment. If an area uses any criteria to determine levels of access this should be transparent, public and should meet

legal requirements.

Some of the themes that arise from our assessment of the eligibility criteria within statements we received include:

Local Offer

The Government's Green Paper on SEN and Disability, Support and Aspiration: A new approach to special educational needs and disability, proposes the creation of a Local Offer for services available to families with disabled children. A Local Offer approach enables families to refer themselves to universal short break services without any need for an assessment, and provides streamlined access to assessment for those who need targeted or specialist support services. This saves money for the LA as they conduct fewer assessments and enables families to easily access services. There has been a notable increase in the number of areas developing Local Offers for short break services.

The information provided about Local Offers has generally been very good, and reflects a lot of investment by local areas in universal services. Frequently the format that LAs have adopted is for three levels of support within the Local Offer:

- Universal Services – that anyone with a disabled child can access
- Targeted Services e.g. impairment specific youth groups or support to enable disabled children and young people to access Universal Services – eligibility for these is commonly through the Common Assessment Framework
- Specialist Service e.g. services for children with higher needs such as overnight short breaks and access to Direct Payments – eligibility for these services is generally through a Core or Multidisciplinary Assessment

EDCM strongly welcomes the move towards LAs providing a Local Offer approach to providing short breaks. The use of Local Offers has significant potential to improve clarity about what provision is available and to whom; as well as having further benefits in terms of positive partnership with parents. We also

11 That we analysed for this research

12 EDCM (2011) Raised Expectations: Parental experiences of short breaks p.10

welcome LAs efforts to reduce unnecessary assessments.

However we are concerned that the path between the different levels of support may be unclear for many parents at the moment, and that the eligibility criteria presented through the use of these assessments is only helpful for social workers or people with a high level of knowledge about social work assessments. We would therefore encourage LAs to work with parents and carers in the local area to look at how parents can understand the pathways of support in their local area.

To make the Local Offer an effective tool we believe there needs to be a clear duty to deliver the Local Offer to underpin the Green Papers proposals. This duty needs to bite on all agencies through clear accountability in terms of statutory and financial responsibility to deliver.

Clear routes of eligibility

EDCM views short breaks services statements as a vital tool to enable parents to understand what short breaks are available in their local area, and which short breaks they may be entitled to. We have therefore particularly welcomed statements which enable parents to clearly see what they may be eligible for. One of the methods that has provided particularly effective information to parents is a grid with the different levels of eligibility matched against each area of assessment. Other LAs have given an indication about which children may be eligible for which services through providing examples, which is also helpful.

Limiting which children can access an assessment

EDCM is concerned that some short breaks services statements place limits on which children can access an assessment e.g. requiring a child to receive Disability Living Allowance (DLA) or to have a statement of special educational needs to have an assessment. This is likely to be seen as unlawful as the Children Act 1989 makes it clear that all children who are 'in need' because they are disabled have the right to an assessment.

We also continue to be concerned with the ongoing perception by some LAs that short breaks are only for "A and B"¹³ children. The Aiming High for Disabled Children: Short break Implementation Guidance 2008 identified that there were five groups of children who were struggling to access appropriate short breaks at the start of the service transformation programme. 'Group A' are children and young people with autism, 'group B' are children with complex health needs and children and young people with moving and handling needs. Whilst these groups were highlighted areas for LAs to particularly build services for, LAs must provide short break services to children with all disabilities. To limit short breaks to these groups is a misinterpretation of guidance produced to oversee the AHDC programme and legally challengeable.

Using DLA as a pathway to short breaks

EDCM has also been concerned by some LAs using DLA awards as eligibility criteria. This is concerning due to low uptake of this award by many families who would be eligible – in many cases this is because they do not know that there is financial assistance that they can access. Some LAs used high rate care DLA as an eligibility criterion. This is particularly concerning as it is not taking into account the specific needs of disabled children and does not allow for disabled children and their families to access the short break services that reflect their needs. We believe that LAs using DLA in this way are at particular risk of legal challenge.

Misunderstanding the 75 nights rule

Some LAs in their short breaks services statement have stated that total short break provision over a year should not exceed 75 nights. We are concerned that this is a misinterpretation of a change in law regarding the looked after status of children. The '75 day rule' just refers to the maximum number of days a child can be provided with short break accommodation in any 12 month period under a Regulation which allows a lower level of administrative oversight. Children can receive more than 75 days short break accommodation in any 12 month period but a higher level of oversight kicks in. LAs need to ensure that they have a correct understanding of this legislation or they risk placing illegal limits on the number of nights of short breaks that disabled children can access.

It should be noted that the changes to the 75 nights rule has cause great anxiety to many parents who are concerned about their child gaining 'looked after' status. EDCM has had feedback from parents that their social workers have advised parents to cut down the amount of overnight breaks they have to prevent them from getting this status. We are also concerned that other LAs have been advising that a disabled child gaining looked after status could result in a parent losing long term guardianship.

Range of services

98% of local authorities included evidence that they provided the full range of required services¹⁴

Since EDCM published its first short breaks tracking report in April 2009¹⁵, choice and control in accessing short break services has been identified by parents as crucial to their satisfaction. High quality information about short break services is vital for families' ability to access services that are appropriate for them. Parents have told us that they want usable and clearly accessible information on the internet including on: what breaks are available; where and when they take place; and who to contact to find out if they can attend¹⁶.

Depth of information on specific services

Of the short breaks services statements that EDCM analysed, 51% had high quality information about the range of short break services¹⁷. Good practice examples included areas that listed all local short breaks services, information about specific providers, who services are suitable for (such as age-ranges) and contact information for the short break organisers. It was less helpful to only provide generic descriptors such as 'holiday activities'.

Good quality statements also included information on the time and/or dates that organised group based short breaks activities take place, the location, short descriptions, and sometimes the number of short breaks places available. Providing this information means that families do not have to search for information on short break services in multiple places. It also gives a good indication at an early stage whether or not a service is suitable for their family. This level of information also allows families to access suitable short breaks immediately, if they do not require assessment.

Some statements referred parents to Family Information Services (FIS) for more information on short breaks. However, research from the Daycare Trust has found that around 9 out of 10 FIS budgets are being cut and a third may no longer be fulfilling their legal Duty to supply information to families¹⁸. Reduced funding for FIS's will have implications on their ability to provide information and advice to local families with disabled children on local short breaks services.

EDCM only found 16% of statements to be poor quality in relation to providing information on what short break services are available locally. These statements provided little or no information about the services available. The worst examples were those that merely repeated the categories of services mentioned in the short breaks regulations (eg. overnight care) without any attempt to provide more information. Bad practice also saw information that was months out of date or only available to families following assessments.

Presentation of information on range services

There was a huge range in the quality of information about short break services included in statements. LA's used a variety of effective approaches to present information in a concise manner, for example: exhaustive information in an appendix to the statement; information in a single separate document that the statement linked to or signposted; and, information in the main body of the statement. We were concerned that some statements used these approaches but included broken links or signposted to documents that were not available. LAs must be careful to ensure that information is available to parents if it is referred to in their short breaks services statement.

14 That we analysed for this research

15 Qualitative research undertaken into parental experiences of short breaks under the Aiming High for Disabled Children programme

16 EDCM (2011) Raised Expectations: Parental experiences of short breaks

17 See appendix, figure 2, p21

18 NAFIS and Daycare Trust (2011) Advice and Assistance for Parents

Meeting local carers' needs

78% of local authorities included statements about how the services they provide are designed to meet local carers' needs¹⁹

Parents have told us that different short breaks suit different families. Despite positive feedback from parents that short break investment has been used to improve the quality and levels of local short breaks, accessing suitable short breaks remains a concern to many families²⁰. Continuing the successful development of short break services relies on LA's meeting the genuine individual needs of families with disabled children, as determined in partnership with these families. Parents have told us they value being able to see how their participation in short breaks planning and delivery translated into practice²¹.

Responding to specific needs

53% of the short breaks services statements that were analysed had high quality statements on meeting local carers' needs²². Good practice examples include statements that delineated separate sections explaining how services had been designed to meet local carers needs and many of the most effective followed a 'You said, we did' format.

These explicitly stated what the main priorities of local carers were and what the LA had done to meet them. In some examples, LA's had even stated where they had not yet been able to meet the needs of local carers and what they intended to do in the future to do so.

This approach provides excellent transparency as families can easily understand why certain services are provided and how far the LA was responding to carers' needs. However, nearly a quarter (22%) of statements did not state how short breaks were designed to meet local carers' needs. Others contained vague or unsupported statements such as 'these services have been designed to meet local carers' needs', without any further explanation or evidence.

Building on previous work and priorities for future

Many of the best short breaks services statements included information about the recent local and national developments in short break services. These statements were typically the ones that stated their priorities for short break services in the immediate future. EDCM found this approach put the changing provision of short break services in an easily understandable context.

Collection and presentation of data related to short breaks and evidencing effectiveness

Many of the best short breaks services statements included data collected on the numbers of disabled children in the LA. In addition, this data often included the numbers of disabled children accessing short breaks and occasionally how short break access had changed over the course of the AHDC programme. Gathering data is crucial to successfully planning, evaluating and promoting short break services.

19 That we analysed for this research

20 EDCM (2011) Raised Expectations: Parental experiences of short breaks

21 Ibid

22 See appendix, figure 3, p21.

Quality of Local Authority consultation

95% of local authorities provided evidence that they had regard for the views of carers when developing their statement²³

Parents have told EDCM that over the course of the AHDC programme their experiences of participating in the design and delivery of short breaks have become more positive and they feel that this has led to services which better reflect the needs of local disabled children and their family²⁴. EDCM identified in previous research that good practice in participation was achieved through: parent-to-parent support to enable everyone to participate in consultations; questionnaires; and holding consultation events that enable disabled children to be involved. As well as including parents of disabled children on decision making panels about local short break provision.

In the short breaks statements that we analysed the following trends with regards to taking account of the views of carers when developing the statement were identified:

Range of stakeholders consulted

The majority (62%) of short breaks services statements provided evidence of high quality consultation with carers when developing their statement²⁵. High quality consultation was demonstrated through the involvement of a range of stakeholders including parent carer groups and families who were accessing short break services. We also welcomed the increasing trend towards parents being members of short break working groups and commissioning boards. Involving parents in the process of local decision-making about service providers was key to ensuring these services met local needs. In addition, many statements included evidence of consultation with disabled children and young people who access short break services. These statements often named the groups which took part in consultation activities and many gave contact details for people who wished to get involved.

Range of consultation methods used

Statements that provided evidence of high quality consultation demonstrated a range of methods being used. These included surveys, consultation events, feedback questionnaires and interviews, and the involvement of parent carer groups in service reviews and commissioning panels.

Regularity of consultation

Good quality consultation saw recent and regular consultation taking place. This was particularly effective when done in previous years and then specifically for the purposes of creating the short breaks services statement. In many cases this served as both an evaluation of what was working well in the local area, what was not as effective and what the LA could work towards achieving in the future.

Statements which failed to provide evidence of a high standard of consultation often referred to consultation exercises that were many years old as their only source of evidence of parent carer views.

Feedback to short breaks services statement

Many short breaks services statements sought feedback on the quality of the short break statement itself, for example through putting the statement out for local consultation. EDCM welcomed LAs seeking wider points of view in this way as it allows less engaged parents to feed in.

23 That we analysed for this research

24 EDCM (2011): Raised Expectations: Parental experiences of short breaks

25 See appendix, figure 4, p.21

Published on website

98% of local authorities published their short breaks services statement on their website²⁶

There was an extremely high level of compliance with the requirement for LAs to publish their short breaks services statement on their website. Of those that published their statement on their website 75% were easy to navigate to²⁷. Good practice saw LAs placing a link to the statement in a relevant area of the website such as 'Disability' or 'Special Educational Needs' sections. We were also pleased to see the volume of LAs who demonstrated other ways that they had ensured that local families with disabled children had access to their short breaks services statement. These included placing the statement on the local Parent Carer Forum website, and distributing it through the post and schools. Making statements available through other avenues is a welcome recognition from LAs that all families will be able to access the internet easily but may still benefit from receiving this information.

However, some short breaks services statements were less easy to find. This was often because they had been published on websites in unrelated areas, for example in a news story but not placed in the disabled children section of the website. Some statements were also placed on disability mini-sites but not linked to via the main LA website – making them difficult to navigate to unless you knew what you were looking for, this would be a particular issue for parents new to disability.

We were also concerned that some LAs published different parts of the short breaks services statements in different areas of their website, for example separately publishing the short breaks services statement, a list of local services and eligibility criteria in different areas of the website. Where LAs wanted to produce these separate documents it was much more helpful if links to them all were placed on the same web page.

26 That we analysed for this research

27 See appendix, figure 5, p21

Keeping the statement under review

84% of local authorities explicitly stated that they would keep their short breaks services statement under review²⁸

EDCM was pleased that such a high proportion of LAs explicitly stated that they would be keeping their short breaks services statement under review. It must be taken into account that the remaining 14% of LAs may be planning on keeping their statement under review but have not explicitly stated it within their statement. Where LAs stated they would keep the statement under review the majority intended to do this on an annual basis either in April or October. Good practice examples included LAs that explicitly stated that they would be reviewing the statement with local parent carers.

One trend that generated some concern was the number of LAs that had published their short breaks services statement as a 'draft' or a 'consultation document'. We understand the constraints of LA internal timetables for getting documents signed off however guidance was provided to LAs at least six months before the deadline to produce a statement allowing LAs sufficient time to produce a complete statement.

Conclusion

The findings of our research into short breaks services statements are extremely encouraging. Most statements that we reviewed met the requirements of the regulations in almost every criterion. This demonstrates a marked improvement in local provision of short breaks, in transparency and in information provision. As a result, it is clear that this 'Duty to provide' has acted as a positive catalyst for cultural change, and policy and practice improvement in a wide range of LAs. This is an excellent indication that duties such as these can enable innovation and drive good practice within local areas, in a way which benefits the LA and local families.

Many LAs have also gone beyond the legal duties to include a wide range of information about short breaks available locally. This was particularly true when LAs had identified disabled children, young people and their families as the target audience when writing their statement. These statements provided families with high quality of information enabling them to access short break services more easily. They also tended to demonstrate that they had effectively worked with local families in both designing local short break provision as well as the statements.

The benefits of this are that LAs are able to create short breaks that meet local need, as well as improving relationships between the LA and local families, and parental satisfaction, through engagement.

There have also been significant developments in the use of local disabled children, young people and their families in the design and commissioning of local services. Involving disabled children, young people and families in this way ensures that the range of local short break services in operation meets local need. This is likely to be cost effective to the LA and see increased levels of satisfaction amongst both families and children. Parent participation is something that is still developing in many local areas and we think that it is vital that LAs continue to work with local families and children as they review their short breaks services statements.

We also welcomed the move towards local areas creating a Local Offer approach to short break provision. A Local Offer sets out the
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services that are provided for disabled children in the area, including universal services, any specialist services that are provided as a minimum without assessment, and the way in which families are assessed for further specialist support.

This represents a positive move towards a good practice approach to working with families of disabled children which is likely to result in improved outcomes for families and more cost effective services. To make the Local Offer an effective tool we believe there needs to be a clear duty to deliver the Local Offer to underpin the Green Paper's proposals. This duty needs to bite on all agencies through clear accountability in terms of statutory and financial responsibility to deliver.

Evidence suggests that if parents of disabled children are: provided with a basic level of information, advice and access to peer support; able to participate in shaping the services they receive; given clear guidance as to what services are available to them, then they are likely to feel more supported, be more resilient and are much less likely to require or ask for expensive crisis provision. It is also clear that providing families with a single holistic, multi-agency assessment that meets the requirements of the 'Framework for the Assessment of Children in Need and their Families' represents a more cost effective approach than carrying out multiple assessments.

EDCM also welcomes the impact that creating the Duty and accompanying guidance has had on local areas operating good quality eligibility criteria. The significant fall in potentially unlawful eligibility criteria over the past year is notable and welcome. This means that local areas have received the support they needed to create good eligibility criteria and also that more families will be receiving the services that they are entitled to. We think that the Government has an important role in enabling LAs to build on this progress until all LAs are operating legal eligibility criteria.

Despite these positive findings, EDCM remains concerned that a small number of LAs have failed to comply with their legal duties in a number of criteria. Furthermore, a minority of LAs have produced short breaks services

statements that are legally compliant, but lack much of the information necessary for parents to have an understanding of what short breaks are available to them and how to access them. We believe that the spirit of this Duty is to enable parents to access information about local services and for decision making to be more transparent. It is key that LAs think of parents as a key audience for short breaks services statements to be effective. Additionally, it is important that the short break delivery partner monitors parents' perceptions of LA delivery of the short breaks services statement to ensure that LAs are delivering on the promises they are making in their statement.

Only a third of LAs sent their short breaks services statements to EDCM therefore we were only able to conduct analysis of a limited amount of LAs. It is vital that the Government's short break delivery partner undertakes a full analysis of short breaks services statements to develop a full national picture of compliance with the Short Break Duty.

EDCM's recommendations

Central Government

Ensuring LAs comply with the Duty

The Department for Education should make sure that Impact, its new short breaks delivery partner, monitors local delivery of the requirements of the Short Break Duty by gathering data on whether:

- All LAs produce short breaks services statements that meet the 'spirit of the law' to increase access to regular, reliable and appropriate short breaks.
- Local service planning and eligibility criteria are transparent.
- Short breaks services statements and eligibility criteria are published in a way that makes them easily accessible to local parents, both by placing them in a one-stop-shop local website and by providing alternative routes of access to those who do not use the internet.

This monitoring should result in the publication of an annual national report to provide transparent information on the national picture of short breaks. The Government and its short breaks delivery partner should respond to any concerns raised by this report by stating the action it will take to facilitate ongoing improvement.

Duty to provide a Local Offer

- The Government should use the Duty to provide short breaks as a template for a similar duty to underpin the delivery of a Local Offer for all disabled children's services, as proposed by the Support and Aspiration SEND Green Paper
- Parent friendly guidance – the Government should ensure the production of parent friendly guidance on what they should expect from short breaks services statements and eligibility criteria.
- Eligibility criteria – the Government should ensure that increasing good practice in operating appropriate and transparent eligibility criteria is a priority for its short breaks delivery agent.

- 75 night rule – the Government should provide accessible information to families with disabled children on what the 75 night rules means for the parental guardianship.

Local areas

Accessibility check

- We recommend that LAs working in partnership with parent carer forums should check that their short breaks services statement is easily understandable to parents of disabled children

Participation in short break design

- LAs should continue work with disabled children, young people and their families participation in short break design and choice on the design and delivery of short break services.

Written by Helen Honstvet, EDCM Campaign Officer, with thanks to Peter Hardy.

January 2012

Appendix

Figure 1.

Are the eligibility criteria robust and easily understandable?

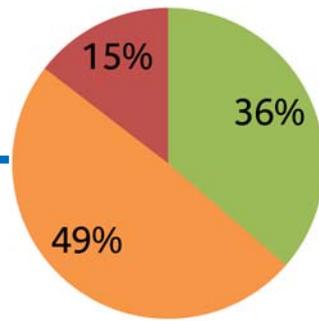
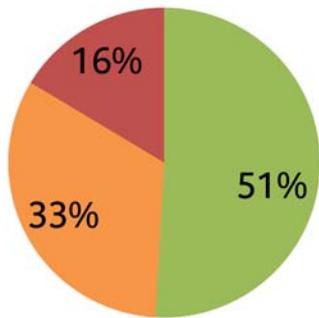


Figure 2.



What is the quality of the information on the range of services available?

Figure 3.

What is the quality of the statement on meeting local carers' needs?

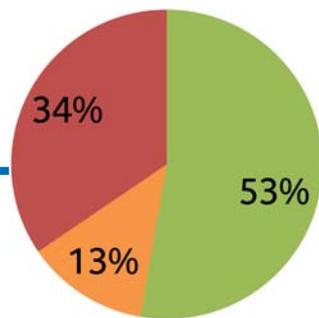
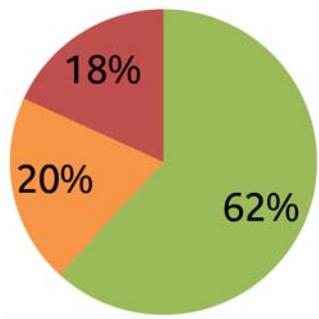


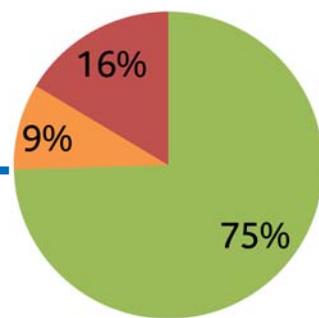
Figure 4.



What evidence is there on the quality of LA consultation with carers in their area when developing the statement?

Figure 5.

Is the Short Breaks Statement in an easy place to find on the LA's website?



KEY

- Red
- Amber
- Green



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