

## **Report of the Strategic Director of Children's Services to the meeting of The Executive to be held on the 7<sup>th</sup> September 2021.**

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**Subject: Short Breaks Provisions in Bradford**

### **Summary statement:**

This report provides the Executive with a recommendation for the future provision for Short Breaks for children with disabilities in Bradford.

The report outlines the results of the benchmarking of peer authorities across England, to inform the basis of developing appropriate service provisions for short breaks for children with disabilities in Bradford.

The report provides an overview for a proposed structure for a new Short Breaks Assessment Team, to help ensure that the Local Area has the correct resources to support the provision of Short Breaks in Bradford as part of the SEND Transformation Programme.

### **EQUALITY & DIVERSITY:**

An Equalities Impact Assessment is included with the report to understand the impact of the proposal on children and families in Bradford.

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Mark Douglas  
Strategic Director Children's Services

Report Contact: Stu Barratt, SEND,  
Transformation & Compliance Manager  
Phone: (01274) 432111  
E-mail: [stu.barratt@bradford.gov.uk](mailto:stu.barratt@bradford.gov.uk)

### **Portfolio:**

**Education, Employment and Skills**

### **Overview & Scrutiny Area:**

**Children's Services**

## 1. SUMMARY

This report asks the Executive to:

- Approve the creation of a new Short Breaks Assessment Team and allocate the requested budget from departmental reserves in 21/22.
- To increase the funding for Short Breaks for 21/22 from departmental reserves to provide the funding for the increased numbers of children who will be assessed and may be offered a short break.
- To note the funding of the proposals longer term will be included in MTFs and 2022/23 Budget Considerations to be presented to Executive in December for final approval by Full Council in February 2022.
- Approve the development of a JSNA for short breaks to inform the future commissioning arrangements to support children and families.

## 2. BACKGROUND

### 2.1 Introduction

Short Breaks are a vital support service for families with disabled children. Short Breaks give disabled children and young people the opportunity for an enjoyable experience with or without their primary carers. Short Breaks also allow parents and families a break from their caring responsibilities.

Short Breaks typically cover a range of services. These are delivered by differing organisations and providers from across the voluntary, public and private sector. The mixed economy reflects the diverse needs of disabled children, young people and their families for supporting provision.

Families can access short breaks across three differing types of need. These include Universal, Targeted and Specialist Short Breaks for Children and families.

**Universal Short Breaks** are non- assessed provisions that can include, after school activities, leisure centres and youth clubs. These types of provision can be used by anyone and do not require any form of assessment to access them.

**Targeted Short Breaks** are specific Short Breaks for disabled children and young people who cannot access universal services without additional support. These may be provided in the daytime, evenings, weekends and school holidays. These short breaks are assessed to see whether these services can benefit a young person and improve their education, health or care outcomes.

**Specialist Short Breaks** services are accessed based on a child and family assessment. These are recommended by a social worker to support families who need significantly more support than is available through universal and targeted services. This type of Short Breaks can include daytime or overnight services.

Specialist short breaks provisions can also include services paid for through direct payments or personal budgets, that can include support in a child or young person's home.

## 2.2 Review of Local Authority Short Breaks Statement

All Local Authorities are required to produce a short breaks statement. This document shows how the local area will meet the needs of children and families who require this service.

Bradford's Short Breaks Statement has been reviewed over the last 6 months, as part of the Children's Services Improvement Plan. The review found a number of areas of improvement that would benefit from additional resources, to ensure the Local Area is supporting outcomes identified within the SEND Code of Practice 2014. The areas of improvement have been addressed in the new Interim Statement.

Over 150 families were engaged with as part of a Short Breaks review. The engagement process was designed to best understand the lived experiences of families and what types of short break should be provided, across the Bradford District. This has culminated in the production of a new interim draft Short Break Statement which has been published on the Local Offer.

The new interim Short Breaks Statement, provides a framework for the Local Area moving forward in relation to short breaks provision. A copy of the new Interim Statement is added to this report as **Appendix 1**.

The final Short Breaks Statement will be updated with parents, carers and young people by October this year. The final statement will be published by Christmas once other service improvements are made throughout 2021.

The new Short Breaks Statement will cover 2022-2025 and will be published on the Local Offer in line with statutory requirements.

## 2.3 Accessing Short Breaks

Children and Families can access a short break through a formal or informal request. These are reviewed either by the Integrated Front Door or through the Children with Disabilities Service.

All disabled children are eligible for a Child in Need Assessment. Children with a disability can also have a Child and Family Assessment. In some circumstances where this will benefit the child and family, they may be offered a short break at any level as part of their plan.

In some cases, short breaks can be offered through Early Help for targeted services. This can take the form of signposting to universal services, as part of the development of a suitable Early Help Plan for a child or young person.

Children with complex health needs with a diagnosis are referred to the Children with Disabilities Service. This team may assess a young person for a short break as part of the assessment processes for children with disabilities. The outcomes of the

assessment may include recommending a short break, dependent on the need of the child and family.

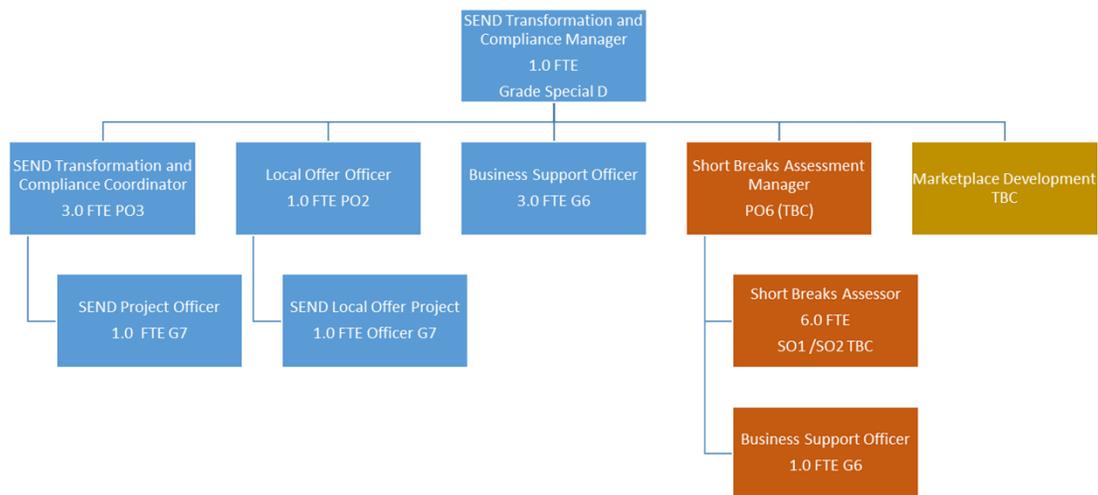
## 2.4 Establishment of a Short Breaks Assessment Service to assess children without a social worker

The establishment of a new dedicated non-social work team, will provide an additional needs led assessment for all children with a disability in the Bradford District who are not currently known to Social Care. If a child or family requires access to statutory assessment this decision will be made by the Short Breaks Assessment Manager, who will be a qualified and experienced Social Worker.

Following a review by both Deputy Directors of Children’s Services, it is proposed that the proposed Short Breaks Assessment Service will sit under the SEND Transformation and Compliance structure moving forward.

The new service will use the same assessment as the Children’s with Disabilities Service. The service will be managed by an experienced social worker. The proposed Short Breaks Assessment Team will oversee all assessments and re-assessments, for all short breaks for children without a social worker in Bradford.

Each short break that is offered will be reviewed every six months, to ensure that the provision is still supporting families and improving outcomes for children in line with the SEND Outcomes Framework.



**Figure 1 – Proposed new Structure for Short Breaks Assessment Team Within SEND Compliance**

The below table sets out the requested funding for the team as part of the short breaks staffing proposal. Overall, a first year budget of **£0.387m** is requested and a permanent recurring core budget of **£0.347m** be allocated in subsequent financial years.

Liquid Logic the ICT system will need configuration works to ensure that the new service can fulfil all its recording and reporting obligations. A one off budget of **£40,000** will need to set aside in the first year of operation, to undertake the ICT build that will be required to support the service.

Job Role	Salary Band	FTE Per Post	Job Status	Total with on Costs
Short Breaks Assessment Manager	PO6	1.0 FTE	Permanent	£60,003
Short Breaks Assessors	SO1 /SO2	6.0 FTE	Permanent	£245,268
Business Support Officer	Band 6	1.0 FTE	Permanent	£27,151
Non Staffing Budget	N/A	N/A	n/a	£15,000
ICT Development Costs (One off 21/22)	N/A	N/A	N/A	£40,000*
<b>Total</b>				<b>£387,422</b>

**Figure 2 – Proposed costs for new Short Breaks Assessment Teams**

The Executive is asked to approve the funding of the Short Breaks Assessment Team as requested, to provide additional resources in this area.

## 2.5 Short Breaks Resources

A review has been undertaken to benchmark the numbers of children who receive a short break against comparable peer authorities of similar size.

Six Local Authorities have been identified to undertake the benchmarking exercise. The local authorities range from a population size of 385,000 residents (Cheshire East) to 576,500 residents (Manchester).

Local Authorities that were both substantially bigger and smaller, were discounted due to a lack of comparable size to Bradford for the purpose of this exercise.



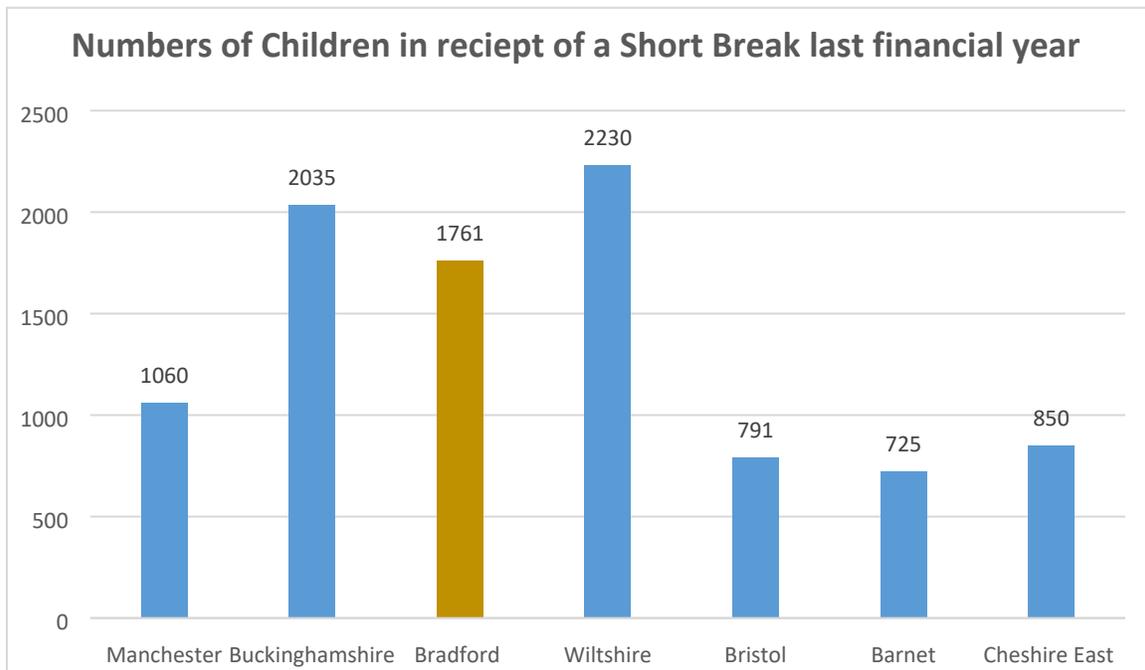
**Figure 3 – Comparator Authorities for review for SEND Short Breaks Services**

## 2.6 Numbers of children receiving Short Breaks

Local Authorities were asked how many young people received a short break in the last financial year.

Data held in Bradford in 19/20 show that **1761\*** children receive a short break, which is lower than the comparable sized authorities of Wiltshire and Buckinghamshire, but

higher than Manchester and Bristol.



**Figure 4 – Comparator Authorities numbered provisions short breaks services**

## 2.7 Establishing a revised budgetary envelope for Short Breaks provisions.

Taking into account the number of children currently receiving a short break, we can translate the potential likely number of children and the associated budgetary needs for children in Bradford to provide these additional services moving forward.

Following the exercise, we can expect there to be between 500-750 children following assessment who will be entitled to a short break, which will require funding.

Taking the rate of **£5.08** of spend per head of population which is the overall average, this would give a revised budgetary envelope of **£2.742m**. This will mean an increase of **£0.552m** overall, when applied to Bradford's population.

Based upon this analysis, The Executive are asked to approve an indicative additional fund for short breaks. The additional costs will be met from departmental reserves where a need for new services is identified, if they are commissioned before the end of the financial year.

From 2022/ 2023 a formal request of **£0.552m** is requested to be funded as part of the Directorates budget setting process. This would increase the total spend on short breaks to **£2.742m**.

The Short Breaks budget should be reviewed each year over the next three years. A revised budget should be set accordingly as part of the Education and Learning Department's overall budget setting and reviewing the take up of Short Breaks from this group of newly identified children.

## 2.8 Understanding the needs of Children moving forward

A more detailed understanding on the future spending profile for short breaks is required. A Joint Strategic Needs Assessment for Short Breaks services (JSNA) will help to understand the needs of children who will receive a short break.

The JSNA will help inform how the additional spending may be allocated once assessments are undertaken. Detailed work with Commissioning colleagues across the Council and CCG will be undertaken, to best understand what services may support the new groups of children who are not currently receiving a short break.

Work with the provider market will be undertaken in the Autumn, to engage potential providers through appropriate market shaping. This will help to understand future commissioning arrangements for future services. This will cover both targeted and specialist services over the next three years.

## 3. OTHER CONSIDERATIONS

- 3.1 The Executive are asked to note the potential timeline for implementation if the recommendations are approved.
- 3.2 The likely implementation to developing the proposals outlined in the report will take 10 months to complete.
- 3.3 Regular updates on progress against the timeline will be reported back through regular reporting and reports to Overview and Scrutiny.

Milestone	Activity to be completed	When to be completed
1.1 Exec Report	Executive to consider the options and provide feedback to proposal	Sept 21
1.2 OJC Engagement	To engage OJC on the proposed changes for comment and feedback	Sept 21
1.3 Staff Recruitment	To recruit to posts in the services and set up the Team	Sept – Jan 22
1.4 JSNA	To undertake the JSNA for Short Breaks Services	Sept – Nov 21
1.5 Short Break Statement	Production of final Short Breaks Statement	Oct 21
1.6 Commissioning Planning and Market Shaping	To undertake Commissioning activities and market shaping	Nov-Jan 22
1.7 New Service Commissions	To design and commission new services that meet the needs of	Jan 22- June 22

	children and families across Bradford for Short Breaks	
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#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The Report asks for an increase in funding in line with the requirements identified in the Report.
- 4.2 Additional costs will be met from departmental reserves in the 21/22 financial year. These reserves will cover the partial year cost for both the Short Breaks Assessment Team and service commissions where they are commissioned in the 21/22 financial year.
- 4.3 From 22/23, a formal request of **£0.387m** is requested to fund the Short Breaks Assessment Team as part of the Directorates budget setting process; this will be incorporated into MTFs and 2022/23 budget considerations in the build up to budget approval at Full Council in February 2022.
- 4.4 From 22/23, a formal request overall of **£0.552m** is requested which includes the short breaks assessment team, to fund additional services to provide short breaks for children and families in Bradford. This will increase the total spend on short breaks to **£2.742m** to meet the unmet needs of children in the District; this will be incorporated into MTFs and the 2022/23 budget considerations in the build up to budget approval at Full Council in February 2022.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 The Local Authority may be vulnerable to potential legal challenge if it does not comply with its statutory duties relating to short breaks. These additional proposals reduce this risk.

#### **6. LEGAL APPRAISAL**

- 6.1 Legal duties in relation to short breaks include both duties owed to individual children and families in relation to assessment and care planning and wider commissioning obligations on local authorities that relate to Short Breaks. Relevant statutes include
  - Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011.
  - Chronically Sick and Disabled Persons Act 1970 ('CSDPA 1970').
  - Children Act 2004.
  - Children and Families Act 2014.
  - Equality Act 2010.
  - NHS Act 2006 (as amended by the Health and Social Care Act 2012).
  - Care Act 2014.
- 6.2 Including statutory guidance – Special Educational Needs Code of Practice
- 6.3 Local authorities must provide a range of short breaks for disabled children, young

people and their families, and prepare a short breaks duty statement giving details of the local range of services and how they can be accessed, including any eligibility criteria (The Breaks for Carers of Disabled Children Regulations 2011). Local authorities must publish a short breaks statement on their website and review it on a regular basis, taking account of the needs of local parents and carers. The statement forms a core part of the Local Offer.

- 6.4 Commissioning duties of the local authority include under S27 Children and Families Act 2014, keeping under review the social care provision that is made inside and outside its area for disabled children and young people and considering the extent to which the provision is sufficient to meet their needs.
- 6.5 S149 Equality Act 2010 imposes the public sector equality duty on local authorities. Disability is one of the characteristics protected by the Act which requires decision making to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different groups.
- 6.6 Case law has highlighted the importance, when making funding decisions regarding short breaks, of adequately taking into account the specific legal duties relating to short breaks and the public sector equality duty and its effect.
- 6.7 The Local Authority has a statutory responsibility to provide assessments for children with disabilities and their carers and to make provision for short breaks where a need is identified.
- 6.8 All disabled children are 'children in need' under S17 Children Act 1989 and the local authority has a duty to 'safeguard and promote their welfare, and so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs. Schedule 2 of the Act imposes a further duty in relation to disabled children to provide services that minimise the effect of their disabilities, gives them the opportunity to lead lives as normal as possible and assists individuals who provide care for such children to continue to do so, or to do so more effectively by giving them breaks from caring. The Chronically Sick and Disabled Persons Act 1970 also imposes a duty to provide certain services which include short breaks at home and in the community, where it is assessed as necessary to meet the child's needs.
- 6.9 All disabled children are entitled to a child in need assessment and it will be essential to ensure that all arrangements for the assessment and provision of short breaks do not prevent or interfere with statutory assessments being undertaken when requested or appropriate. It will also be necessary to ensure that undertaking short break assessments in the proposed way does not prevent children's needs being assessed holistically. Children with higher levels of need therefore need to be assessed by social workers.

## **7. OTHER IMPLICATIONS**

### **7.1 SUSTAINABILITY IMPLICATIONS**

There are no direct implications resulting from this report.

## **7.2 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no direct implications resulting from this report.

## **7.3 COMMUNITY SAFETY IMPLICATIONS**

There are no direct implications resulting from this report.

## **7.4 HUMAN RIGHTS ACT**

Arrangements for the provision of short breaks for disabled children should ensure rights protected under the Human Rights Act are not breached, in particular Article 8 ECHR which includes the right to respect for private and family life and Article 14 the right not to be discriminated against in the enjoyment of other convention rights. The proposals aim to ensure compliance with the Act.

## **7.5 TRADE UNION**

OJC Level 2 are being consulted on the proposal to create a Short Breaks Team at the formal meeting on the 9<sup>th</sup> September 2021 to consider the creation of a Short Breaks Team.

## **7.6 WARD IMPLICATIONS**

The Recommendations in the Report impact the full District and apply to all children across the District of Bradford.

## **7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

There are no direct implications resulting from this report.

## **7.8 IMPLICATIONS FOR CORPORATE PARENTING**

No direct impact on corporate parenting, however the proposals, touch on some young people who may have historically been looked after.

## **7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

There are no direct implications resulting from this report.

## **8. NOT FOR PUBLICATION DOCUMENTS**

8.1 None.

## **9. OPTIONS**

9.1 Please see the recommendations below.

## 10. RECOMMENDATIONS

It is recommended that the Executive approve:

- 10.1 The use of departmental reserves in 21/22 to cover the partial year cost for both the Short Breaks Assessment Team and service commissions where they are commissioned in the 21/22 financial year.
- 10.2 To note that from 22/23, a formal request of **£0.387m** is requested to fund the Short Breaks Assessment Team as part of the Directorates budget setting process, which will be incorporated into the MTFs and 2022/23 budget considerations in the build up to budget approval at Full Council in February 2022.
- 10.3 To note that from 22/23, a formal request overall of **£0.552m** is requested which includes the short breaks assessment team, to fund additional services to provide short breaks for children and families in Bradford to a total value of **£2.742m**. This will be incorporated into MTFs and the 2022/23 budget considerations in the build up to budget approval at Full Council in February 2022.
- 10.4 The development of a Joint Strategic Needs Assessment to understand the needs of children to inform commissioning intentions, to provide services for children with disabilities across the District.

## 11. APPENDICES

- 11.1 Appendix 1 - Interim Short Breaks Statement.
- 11.3 Appendix 2 - Short Breaks Equality Impact Assessment Form.

## 12. BACKGROUND DOCUMENTS

- 12.1 SEND Code of Practice 2014 [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426673/SEND_code_of_practice_0_to_25_years_-_gov.uk.pdf).
- 12.2 Children and Families Act 2014 [Children and Families Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/6/section/100).
- 12.3 Equality Act 2010 [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426673/Equality_Act_2010_guidance_-_gov.uk.pdf).
- 12.4 Children Act 2004 [Children Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/31/section/100).