



Talking points

The NNPCF is a membership organisation and our mission states that “we aim to empower our members to ensure that their voice is heard at a local, regional and national level.”

Working with our membership we have identified a number of key “talking points” - these are topics and themes that are the most important to our membership and the ones that have been prioritised by the NNPCF.

Based on feedback from our membership and from other partners and stakeholders, the “talking point” summarise:

- The lived experience of our members about each topic,
- What is working and what is not working, and
- What we would like to see changed.

The talking points have been created using a range of feedback which includes:

- Surveys (including the SEND surveys)
- Feedback from our annual conferences
- The topics raised at regional meetings
- Themes and topics raised by our membership on social media
- Face to face conversations with our membership

Short breaks

BACKGROUND

The Children and Families Act 2014, the Special Educational Needs and Disability (SEND) Code of Practice and supporting regulations place duties on local authorities and health services to fully participate and co-produce services with children and young people with SEND and their families.

On 1st September 2014 the Children and Families Act, Special Educational Needs and Disabilities (SEND) Code of Practice and associated regulations came into effect as part of the reform of SEND legislation. These place duties on local authorities and health services to change the way in which they provide services for children and young people with SEND and their families including the Local Offer and Short Breaks.

Local Offer: 'Local authorities in England are required to set out in their Local Offer information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. Local authorities must consult locally on what provision the Local Offer should contain.'

BREAKS FOR CARERS OF DISABLED CHILDREN REGULATIONS 2011

Short Breaks can provide opportunities for disabled children and young people to have enjoyable experiences away from their primary carers, contributing to their social inclusion and personal and social development. They also provide the parents and carers of disabled children and young people with a necessary and valuable break from their caring responsibilities (paragraph 6(1)(c) of Schedule 2 to the 1989 Act)

Short Breaks can include day, evening, overnight, weekend or holiday activities. They can take place in the child or young person's own home, in the home of an approved carer, a residential or community setting. Short breaks range from

supporting disabled children to access a break within a universal setting, to providing specialist services at a local level.

Short Breaks.....

- are intended to give children and young people the chance to do something they enjoy
- should always meet the individual support needs of the child
- should be available for families before they reach a crisis
- can be anything from an hour-long activity at a youth club up to a few nights away from home
- can be used to allow parents and carers to attend training, to spend time with other family members or to enjoy leisure or social activities themselves
- should focus on achieving positive outcomes for the child or young person and the family

The eligibility to apply for Short Breaks will vary across Local Authorities. Typically, disabled children and young people who meet the remit of the Disabled Children's Team are eligible for Short Breaks. These are disabled children and young people aged birth-18 where the disability has a substantial and long-term adverse effect on the child/young person's ability to carry out normal day-to-day activities.

Support can also be provided to families where the need may be greater due to individual family circumstances and not necessarily due to the severity of the child or young person's disability. Examples of this include where there is more than one disabled child or young person in the family impacting on the parent's ability to cope, or where additional support is required to safeguard a child.

Families that do not meet the threshold for services from the Disabled Children's Team may be provided with general information and contact details for universal and targeted services which are available through the Local Offer.

You can access information regarding how many children in need are there in your area and how are they categorised here.

<https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2017-to-2018>

THE SHORT BREAKS SERVICES STATEMENT

Since October 2011, a local authority must prepare a statement for carers in their area (a “short breaks services statement”) setting out details of—

- the range of services provided
- any criteria by which eligibility for those services will be assessed
- how the range of services is designed to meet the needs of carers in their area.

The local authority must publish their short breaks services statement, including by placing a copy of the statement on their website.

The local authority must keep their short breaks services statement under review and, where appropriate, revise the statement. In preparing and revising their statement, the local authority must have regard to the views of carers in their area

THE ROLE OF PARENT CARER FORUMS

The NNPCF believe that disabled children and their families should have the same opportunities as everyone else. Health and social care services are vital in helping to make this happen. This will require a review of funding for short breaks provision for disabled children and families.

Financial pressures on local authorities mean that short breaks services are under threat.

Many forums report that pressures on funding are causing local authorities to take short term decisions that impact the outcomes and life chances of children and young people with SEND. For example, forums report that the thresholds for receiving social care are being raised depriving many families of the early help they need; this creates further pressures on resources.

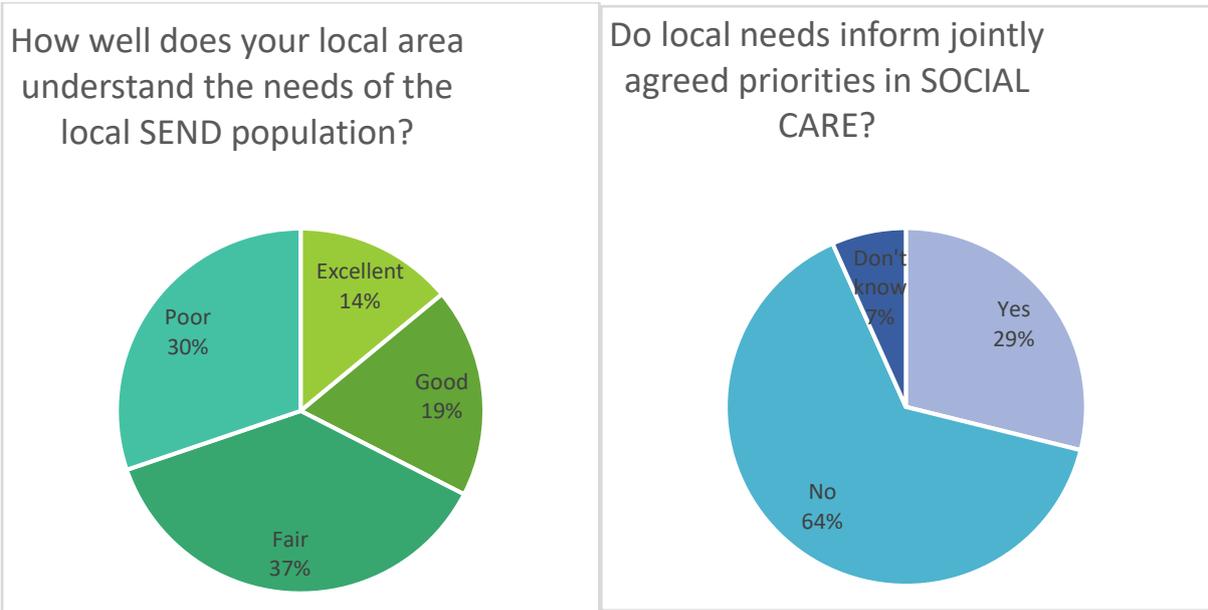
Local areas do not have a good understanding of the services they need to provide.

In an NNPCF survey in December 2018, only 33% of parent carer forums that responded said that there was an excellent or good understanding of the needs of the SEND population. In addition, 64% of forums stated that local needs did not inform jointly agreed priorities in social care.

According to the Disabled Children Partnership:

- *Only 10% of parents of a disabled child believe that social care services in their area are fit for purpose.*
- *90% of families say they have to fight to get the services their disabled child needs.*

TALKING POINTS



PCFs are reporting that education health and social care services are not working together effectively at a strategic level. This is supported by evidence from local area inspection by Ofsted and CQC where many of the Written Statements of Action issued reference poor joint working and joint commissioning as a concern.

In addition, many local authorities do not understand the stipulation in the Children Act 1989 that all disabled children are children in need.

COPRODUCTION IS A KEY PART OF THE SOLUTION

The NNPCF have worked with our membership to identify examples of where coproduction, joint working and person-centred approaches to services has led to transformative changes and better outcomes for children and young people with SEND and their families.

“The gap in health and social care services in England today means that families face enormous difficulties in accessing even the most basic support. There simply isn’t awareness of the challenges faced by disabled children, young people and their families.”

Amanda Batten, Chair of the Disabled Children’s Partnership

For example:

- In Wiltshire, the short breaks service was used by less than 100 families. It has now been redesigned and is used by 1500 families and has is positively viewed by 98% of families in a recent survey of 1200 users.
- In Bedford Borough, a new short breaks contract was torn up and is the process of being recommissioned when the parent carer forum highlighted fatal flaws in its design to the Director of Children’s Services.

Parent Carer Forums should raise awareness of short breaks, highlight their value and work with statutory authorities towards further coproduction services.

Notes:

1. <https://www.gov.uk/government/publications/short-breaks-for-carers-of-disabled-children>
2. <https://www.gov.uk/guidance/equality-act-2010-guidance>
3. <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
4. <https://disabledchildrenspartnership.org.uk>
5. <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2017-to-2018>
6. <https://reports.ofsted.gov.uk/>



Talking points

APPENDIX: THE LEGAL CONTEXT

Looking after children with complex disabilities can be demanding for parents and carers and the local authority can be a vital source of support. A Short Break gives parents and carers a much needed break from caring and it also gives disabled children and young people the chance to have fun and to make friends, something that a typically developing child can take for granted.

THE CHILDREN ACT 1989 requires Local Authorities to provide services designed to give breaks for carers of disabled children. The Breaks for Carers of Disabled Children Regulations came into force on 1st April 2011, requiring each Local Authority to provide

'so far as is reasonably practicable, a range of services designed to meet the needs of families with disabled children in their area which is sufficient to assist carers to continue to provide care, or to do so more effectively'.

Local authorities are required to publish a Statement informing families about the Short Breaks services available to them. The Children and Families Act 2014 also places a duty on the Council to produce a 'Local Offer' providing information on support and services including the provision of Short Breaks.

Every local authority must provide services designed to minimize the effect on disabled children within their area of their disabilities; and to give such children the opportunity to lead lives which are as normal as possible; and to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring.

SECTION 25 OF THE CHILDREN AND FAMILIES ACT 2014 places a duty on local authorities that should ensure integration between educational provision and training provision,



Talking points

health and social care provision, where this would promote wellbeing and improve the quality of provision for disabled young people and those with SEN.

THE CARE ACT 2014 requires local authorities to ensure co-operation between children's and adults' services to promote the integration of care and support with health services, so that young adults are not left without care and support as they make the transition from children's to adult social care. Local authorities must ensure the availability of preventative services for adults, a diverse range of high quality local care and support services and information and advice on how adults can access this universal support.

Local authorities and clinical commissioning groups (CCGs) must make joint commissioning arrangements for education, health and care provision (including Short Breaks) for children and young people with SEN or disabilities (Section 26 of the Act).

Joint commissioning should be informed by a clear assessment of local needs. Health and Wellbeing Boards are required to develop Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies, to support prevention, identification, assessment and early intervention and a joined-up approach. Under section 75 of the National Health Service Act 2006, local authorities and CCGs can pool resources and delegate certain NHS and local authority health-related functions to the other partner(s) if it would lead to an improvement in the way those functions are exercised.

UNDER THE PUBLIC SECTOR EQUALITY DUTY (EQUALITY ACT 2010), public bodies (including CCGs, local authorities, maintained schools, maintained nursery schools, academies and free schools) must have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people when carrying out their functions.



National Network of Parent Carer Forums

'Our Strength Is Our Shared Experience'



Talking points

In addition to the general principles within the Children and Families Act, the SEND Code of Practice outlines specific principles to underpin policy and practice. This incorporates the participation of children and young people and their families in decision-making, early identification and early intervention for support needs and a greater choice and control over support. They also cover responsibilities for education, health and social care services to work collaboratively in the provision of high quality services with a focus on inclusive practice, better access to learning and successful preparation for adulthood.