



# **North Yorkshire County Council**

## **Children and Young People's Service**

### **Short Breaks Statement**

**Revised for Implementation 1 May 2016**

## Legal Duties and Responsibilities

Section 25 of the Children and Young Persons Act 2008<sup>1</sup> requires local authorities to provide short breaks for families with disabled children. This duty came into force on 1 April 2011. Under Paragraph 5 of The Breaks for Carers of Disabled Children Regulations 2010 local authorities must also prepare a 'Short Breaks Statement' setting out details of the range of services provided, any eligibility against which services will be assessed and how these will meet the needs of carers in its area. Furthermore local authorities must publish this statement on their website, keep it under review and revise it where appropriate. In preparation and revision the local authority must have regard to the views of carers in their area.

Following the implementation of the Children and Families Act 2014 and the Special Educational Needs and Disability Regulations 2014 the short breaks statement should now also be a component of the Local Offer.

A local authority must explain the process by which it decides whether or not a child is "eligible" for support services, paragraph 5 (1)(b).

The local authority must consider its duties under the Equality Act 2010 and ensure that it does not discriminate against anyone because they have a disability, or against a family member of a disabled child.

### What is a Short Break?

A short break is an opportunity for parents and carers of a disabled child to have a break from their caring responsibilities, a chance to rest, spend time with their other children and give brothers and sisters an opportunity to enjoy family time too. Parents may use their break time to enjoy a leisure activity or if they are studying, to support their studies. It might be a social activity or an opportunity for parents to have a break from caring, and also to give the child a break from his primary carers. This short breaks statement explains what is available at different levels of need and how this can be accessed. We want parents and their children and young people to have as much choice as possible in the type of short break available to them.

### Examples of Short Breaks

- **Home Care** - is provided to a child in their family home. It is provided for a specific period of time and this usually involves an element of personal care.
- **Home Sitting** - 'a sitting service' usually provided in the child or young person's home and involves caring for the child and their siblings while their parents go out.
- **One to One Support** - this is when a disabled young person is allocated a specific support worker who may go out with them or support them to attend an activity or event.

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<sup>1</sup> amends the duties that the Local Authority must provide for disabled children contained within paragraph 6 of Schedule 2 of Children Act 1989

- **Holiday Activities** - both inclusive and specialist - these include holiday play schemes or taking part in any sport, arts or any other activities during the main and half term school holidays.
- **Out of School Activities** - both inclusive and specialist, during the week and at weekends - these include after school clubs and opportunities to socialise and enjoy activities at the weekend.
- **Overnight Short Breaks** - this is when a child or young person is cared for overnight by someone other than their parents/carers. This may happen in the child's home, in the carer's home, in a residential setting or through an activity type holiday.

### **Who can access a Short Break?**

Every request for a short break is considered on its merits. Short breaks are often provided to the families of children defined in legislation as being 'in need' as a result of their disabilities. A disability can be seen as something which has a substantial, long term (or permanent), detrimental effect on a child's development, health and their ability to carry out day-to-day activities.

Children & young people are eligible for short breaks if they have a physical or mental impairment which has a substantial and long term effect on their ability to carry out day to day activities. This may include a physical or learning disability, a hearing or visual impairment. It includes children with autism and Asperger's Syndrome and children who may have challenging behaviour as a result of a learning disability. It also includes children who have complex needs and who may have palliative life limiting or a life threatening condition.

The Council's Children and Young Peoples Service is committed to the delivery of short breaks. Our resources are used to prioritise services for the most vulnerable, but are also designed, through a commitment to early intervention, to offer services at the lowest possible level of need. Not all children and families require the same level of support; some need more than others because of the nature of their child's disability. Some families may need more support because of their individual family circumstances. This is why we may need to assess your child and family circumstances to ensure we provide the right level of support and services at the right time.

## Short Breaks Statement

The following describes the core offer for families with disabled children and young people in North Yorkshire:

<u>Lower levels of support</u>	<u>Higher levels of support</u>
<ul style="list-style-type: none"><li>• Additional short-term support to access some universal services such as youth groups, uniformed groups (i.e. scouts, guides)</li><li>• Advice or training for providers or short-term additional support to enhance confidence and skills.</li><li>• Activity based groups for children and young people with disabilities e.g. Youthability, FUSE Theatre Group.</li><li>• Discretionary Short Break Grants (see Appendix B) to provide families with more choice and control.</li><li>• Parenting programmes and support.</li><li>• Parent programmes for families with specific areas of SEND, e.g. autism, in collaboration with the inclusive education service.</li><li>• An allocated caseworker to work with the child, young person and family on the development and delivery of an agreed family plan.</li><li>• 0-19 services in Children's Centres.</li><li>• Youth Clubs.</li></ul>	<ul style="list-style-type: none"><li>• These are reserved for disabled children with the highest level of need who meet the DCS Eligibility Criteria (see Appendix A).</li><li>• To receive Specialist Services you will need to have had the needs of your disabled child and your family assessed by DCS.</li><li>• Specialist Short Breaks Services are tailored to the needs of the disabled child and their parents/carers.</li><li>• Examples of Specialist Short Breaks include; day care in the home, day care in supported settings and overnight care in Foster Care or Resource Centres.</li><li>• Personal budgets are promoted to meet needs through Direct or Indirect Payments or one-off payments.</li></ul>

## Appendix A

# NORTH YORKSHIRE COUNTY COUNCIL

## ELIGIBILITY FOR DISABLED CHILDREN'S SERVICES

The Disabled Children's Service provides support for disabled children and young people where the disability has a substantial and long term effect on their ability to carry out day-to-day activities

### AND

There are significant difficulties in meeting needs within their family, broader support networks or through local universal provision

**Whilst eligibility decisions are based on individual need and professional judgement, including to what extent the impairment affects their lives and the lives of those who live with and care for them, it is likely that the disabled child or young person will fit into one or more of the following definitions:**

- *A significant, permanent and enduring physical disability*
- *A significant global learning disability*
- *A severe and enduring communication disorder*
- *Autism with a significant global development delay and may have challenging behaviour*
- *A significant sensory impairment*

## Appendix B – Application Form and Need Levels