



**Author/Lead Officer of Report:** Sam Martin

**Tel:** 0114 2930958

**Report of:** *Jayne Ludlam – Executive Director of People Services*

**Report to:** *Cllr Jackie Drayton – Cabinet Member for Children and Families*

**Date of Decision:** *26.7.18*

**Subject:** *Short Breaks Consultation, Implementation Phase*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? <i>People; Children, Young People and Families</i>				
Which Scrutiny and Policy Development Committee does this relate to? <i>Children, Young People and Family Support</i>				
Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>294</i>				
Does the report contain confidential or exempt information?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

**Purpose of Report:**

The report recommends the council makes some changes to the way the Short Breaks Grant and Daytime activities for Disabled Children are accessed. These changes, which have been consulted on extensively with families and activity providers, will introduce eligibility criteria based on income and reduce some duplication in provision so that the process is more fair, balanced and sustainable.

**Recommendations:**

That the Cabinet Member authorises the Executive Director for People Services to implement the changes to eligibility for Short Breaks Grants and Daytime Activities as set out in Section 1.9 of this report.

**Background Papers:**

See confidential appendix

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Andy Bray/ Laura Foster <b>25.5.18</b>
	Legal: Nadine Wynter <b>25.5.18</b>
	Equalities: <i>Bashir Khan</i> <b>22.5.18</b>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>Jayne Ludlam</i>
3	<b>Cabinet Member consulted:</b> <i>Jackie Drayton</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Sam Martin</i>
	<b>Job Title:</b> <i>Head of Commissioning – Vulnerable People</i>
<b>Date:</b> <i>18.5.18</i>	

## 1. PROPOSAL

1.1 The Council provides a range of services and support to disabled children and their families, including Short Breaks or respite provision. This provision is intended to support children, young people and their carers and families in maintaining their caring responsibilities and allow disabled children to take part in rewarding social or learning activities. This provision ranges from:

- A Short Breaks Grant which can be used by families flexibly to go towards the costs of holidays or days out, activities for children, or equipment or learning materials
- Help to access universally available clubs, sports and leisure activities in their community
- Places in weekend and holiday clubs specifically for disabled children
- Overnight stays in council respite children's' homes or with a specially trained foster carer
- A Direct Payment, taken instead of the above services, so that a family can organise their own support and care.

1.2 There are more than 115,000 children and young people in the City. Around 2,500 children have an Education, Health and Care Plan (EHCP) and around 2,500 children receive some kind of short break provision every year. For example in 2016-17:

- 1,923 families received a Short Breaks Grant; 1,448 of these families just accessed the Grant and did not use any other council funded short breaks service or activity.
- 97 families had a child attend a universal club or activity.
- 653 families have a child attending a specifically contracted club or activity for disabled children.

1.3 The Council's funding from central government has been reduced by over £350 million in the last 7 years, with further reductions planned. Consequently the Council now has to review many of our services which we had previously protected. We need to decide how to best provide services in a different and more cost effective way. Despite massive cuts to our budget, and specifically the ending of the 'ring fenced' Aiming High Grant in 2011, Sheffield City Council remains committed to supporting disabled children, young people and their families through a range of services. We want to maintain where possible the preventative support which families have told us helps them lead their lives. At the same time, the increasing and ongoing pressure on public finances does mean the council has had to, and will continue to have to, make difficult decisions about services as fairly and reasonably as possible.

1.4 Over the last 3 years Sheffield City Council has heard the views of disabled children and young people, parent/carers, staff and service providers on what works well and what

we might be able to do differently. Through this process, we have heard a range of suggestions on how services could change. Some of these suggestions have resulted in the proposals we consulted on, which we think will help us review the offer and make it more cost effective and sustainable.

- 1.5 The Council's provision of daytime activities has been organised through the SNIPs (Special Needs Inclusion and Playcare Service) for many years. The Short Breaks Grant has been in place for ten years and was originally set up using the Government's Aiming High Grant for Disabled Children. This grant was ended in 2011 by the coalition government. At that point many other local authorities scaled back short breaks provision and we considered ending the Sheffield Short Breaks Grant, but, following discussions with parents and carers, it was decided in Sheffield to continue locally running the grant scheme because of its importance to families.
- 1.6 From December 2017 to March 2018, we ran a survey for parents and carers of disabled children. This was primarily online using Citizen Space, and paper copies were sent via post to existing service users from 2016 to present day, where we had sufficient contact details. Paper copies of the questionnaire were also available on request.
- 1.7 Using the results from the consultation alongside data on service usage for the past 3 years, we assessed the proposals for impact and feasibility.

## 1.8 **What we are proposing to change**

- 1.9 The changes that will be made are as follows:

- 1.10 **The Short Breaks Grant** – The Short Breaks Grant of up to £400 per year will still be available to all eligible families.

**New Eligibility** – following discussions with families we are not proposing to end the Short Breaks Grant but we are introducing additional criteria.

- 1.11 Changes to the eligibility criteria:-

- At present - the Short Breaks Grant is available for children and young people from birth to their 19th birthday
- This would change so that the Short Breaks Grant will be available for children and young people from birth to their 18th birthday. When young people reach the age of 18 support is available through Adult's services. Young people, carers and families are also able to access a range of support through the Sheffield Carers Centre which may include the 'Time for a Break Grant'.
- At present - families can receive the Short Breaks Grant as well as other short break and respite services
- This would change and families who already receive a short break service like

daytime activities (SNIPS) and overnight respite will not be eligible to apply for a Short Breaks Grant as well. Families could receive a Short Breaks Grant or a short break or respite service not both.

- At present - any family, regardless of income, can get the Short Breaks Grant
- This would change and the eligibility for the Short Breaks Grant would take into account family income. Families in receipt of benefit or with a household income of less than £21,000 who are eligible will still be able to apply but families with a household income higher than £21,000 would no longer be eligible for the Short Breaks Grant.

#### 1.12 **Special Needs Inclusion Playcare Services (SNIPS)**

#### 1.13 Introduction of a parent/carer contribution towards the cost of the service.

- At present - some children and young people attend a mainstream club for their short break, alongside children and young people without a disability. The Council currently pay the full cost of this; this includes the extra funding to the organisation running the club in order that they can meet the needs of the children and young people with disabilities and the cost of the activity, e.g. club fees, cost of session/activity.
- This would, change although the Council will continue to fund the costs that enable the children and young people with disabilities to attend the club. Families would have to pay the basic club/activity costs as decided by the organisation that runs the session/club, in the same way as families of non-disabled children who attend that club/activity.
- At present - targeted short breaks clubs at weekend/summer holidays, for disabled children and young people only, are commissioned by the Council and the full cost is met by the Council. For a child on a 1:1 staff ratio this could range from about £70 - £100 per session. The clubs are currently free to families.
- This would change, although the Council will continue to commission the clubs, the Council will seek to ensure the clubs are distributed across the City, families would be asked to pay a contribution of £7 for each short break session allocated as part of their package. Families who have more than one disabled child accessing a daytime short break club would contribute a family payment capped at £10 per session. Families in receipt of benefits or with a household income less than £21,000 would be exempt.

## 2. **HOW DOES THIS DECISION CONTRIBUTE?**

2.1 Our goal remains to continue to deliver short break and respite services, to support parent/carers and offer services which will improve the experiences and opportunities for disabled children and young people in a sustainable manner.

2.2 By introducing some changes to the way we currently run some of our services, we

hope to protect those services, in order to ensure that those who need these services the most will still have access to them.

2.3 We are committed to protecting as much of our services as we can, and our goal remains to continue to deliver short break and respite services, to support parent/carers and offer services which will improve the experiences and opportunities for disabled children and young people. In setting out proposals and recommendations the following key principles have been borne in mind:

- Fairness: so that diminishing council resources are available to people who might need more help.
- Choice: so families can make decisions for themselves about what support they access.
- Proportionality: maintaining provision of things like the grant that give a bit of help to more families to support them in living their lives.

2.4 The changes to eligibility will mean that some families who previously have received a Short Breaks Grant will not be eligible in the future, and some families who access daytime activities would be asked to pay a contribution. For many families we understand that this will be disappointing and it may affect some families more than others. Where any family is significantly negatively affected by the proposals we will be urging them to get in contact with us so that we can offer alternative help or other services to support them. This offer will be communicated directly to families in a letter explaining the outcome of the consultation and the recommendations in this report.

### **3. HAS THERE BEEN ANY CONSULTATION?**

#### **3.1 Previous consultation**

3.2 During 2014 and 2015, disabled children and young people, parent/carers, staff and services gave their time to tell us their views on our current short break and respite services, along with ideas on options for future services. A number of different views were presented on how services could work in the future, and several suggestions for change made. Each of the proposals we are consulting on, has been directly informed by these suggestions.

3.3 There was a resounding message from these consultation events that families value the short breaks grant. They liked the straightforward application process, the lack of bureaucracy and the control and flexibility that it offers. Many parents expressed significant concern about the possibility that the grant programme could stop running. As a result, we discounted any proposal to discontinue or reduce the value of the grant at this time.

#### **3.4 Formal consultation**

3.5 Between November 2017 and March 2018 a formal consultation was held on the

detailed proposals that are now set out as recommendations in this report. We ran a survey for parents and carers of disabled children. This was primarily online using Citizen Space, and paper copies were sent via post to existing service users. We sent 2,288 questionnaires out by post. The online questionnaire was available to anyone who wanted to take part. We had 467 responses; 335 paper questionnaires returned and 132 online participants. This is a response rate of 15% (based on 335/2288). If we assume that the online participants were part of the original mailing, then the response rate becomes 20%.

3.6 The findings of the Consultation are attached to this report. We are sending a direct communication to parents and carers explaining the outcome of the consultation and informing them of the recommendations in this report.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Level of impact/ number of families affected**

###### **4.1.1 Short Breaks Grant**

- 1,695 families accessed the grant in 17/18;
  - 382 used another service as well and 139 were aged 18 or over.
- Children most likely to use the grant are those with the following needs;
  - Behavioural/ emotional/ social difficulties or Social Emotional and Mental Health, Autism Spectrum Disorder, or Speech/language/communication needs.
- Most families said they used the grant to fund a family holiday

###### **4.1.2 SNIPs clubs**

- Mainstream/universal
  - 82 families accessed mainstream or “universal” clubs in 17/18
  - 37% of the children and young people had the primary need of ASD
  - 89% of service users were aged 5-16 years
- Contracted/specialist
  - 564 families accessed contracted specialist clubs in 16/17, 52% of these have a statement of SEN or ECHP
  - 36% of the children and young people had the primary need of ASD
  - 81% of service users were aged 5-16 years
- Families suggested that they might have to cancel activities or move to a cheaper club if the proposals were put in place

###### **4.1.3 Income/benefits**

- Approximately 50% of respondents to the questionnaire stated they were in receipt of benefits and therefore would be exempt from income-tested proposals.
- Many respondents thought the threshold of £21,000 was too low.

#### 4.1.4 Cumulative impact

- Analysis of service users at 31.12.17 shows that 234 individual children use both the grant and SNIPs so would be affected if more than one proposal was implemented (86 of these don't access any other service or DP from us). 7 families use both services and have a child aged 18 or over.
- This poses an additional risk that some of these families may feel they are under more pressure, or that families may request assessment for other services thereby increasing demand in other areas. We will ensure our services are prepared to respond to this if necessary.

## 4.2 Equality of Opportunity Implications

4.2.1 The purpose of the consultation was to ask families how the proposals would affect them. We analysed service data from 2015 to present day in order to assess how many people might be affected.

4.2.2 A full EIA was completed before and after the consultation (attached)

4.2.3 We made the survey as accessible as we could in order to reach those who wanted to take part, including text in the 6 most-translated languages in Sheffield<sup>1</sup> and paper copies as well as an online questionnaire. We also ran a helpline telephone and email for the length of the consultation.

4.2.4 We collected the first part of the respondents' postcode, to ensure there was a fair spread geographically and responses were generally consistent across the City, and monitored the equalities data on a weekly basis.

4.2.5 The proposals are age specific as they relate to children aged 0-18, proposals would all impact on disabled children and young people and their families as that is the user group and service usage data shows that the majority of service users are White British

4.2.6 The proposals include options to means-test particular short break services. Families in receipt of benefits or under a household income threshold of £21,000 would be exempt from these means-tested proposals.

## 4.3 Financial and Commercial Implications

4.3.1 When implemented fully the changes are estimated to reduce the overall amount the council spends on the Short Breaks Grant and activities. It is difficult to accurately predict the total level of savings, because a number of factors outside of the council's control may have an influence. However, it is estimated that Short Breaks costs may reduce by up to around £550,000 annually as a result of the changes.

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<sup>1</sup> From Language Line

4.3.2 This will be offset by an increase in administrative costs associated with the changes. For example, processing grant applications will take longer and require more work to account for the financial eligibility test. There are likely to be increased costs for the council or activity providers in setting up systems for parents to make payments for activities.

4.3.3 More detailed estimates of the financial impact of the proposals is set out below:

Proposal	Estimated saving (£)	Basis of calculation
1 - Eligibility for the Short Breaks Grant would stop on a young person's 18th birthday	<b>£59,000</b>	Based on a 3-year average number of service users in that age group
2 - To change the offer of the short break grant		
a. Families who take the grant could not access other short break or respite services as well	<b>£171,000</b>	The saving shown is based on 428 families (this being the number of families presently accessing other short break or respite services as well as the grant) relinquishing their short breaks grant. The saving is difficult to quantify accurately as families could relinquish the grant or relinquish other service/s, and they could also potentially apply for assessment for different services
b. Introduce family income as an eligibility criteria	<b>£357,000</b>	Estimate based on existing data this assumes 894 families presently receiving this grant will not meet this criteria
3 - To change the Special Needs Playcare Service (SNIPs) offer for children and young people attending mainstream clubs; parents would be asked to pay the cost of the club/activity, the same as parents of non-disabled children and young people	<b>Between £5,000 and £15,000</b>	Based on families, who would be required to contribute, paying between £12.40 and £32 per month. Again the savings are difficult to estimate as each family's package is different
4 - To change the Special Needs Playcare Service (SNIPs) offer for children and young people attending targeted clubs for disabled children and young people only	<b>Between £20,000 and £50,000</b>	Based on families, who would be required to contribute, paying between £7 and £14 per month.
<b>Total estimated savings</b>	<b>Between £612,000 and £652,000</b>	

Proposal	Estimated additional costs (£)	Basis of calculation
Customer services to manage application for eligibility under income-threshold	<b>£12,000</b>	<b>£1,000 set up £11,000 annual</b>
An increase in administrative costs eg additional time processing grant applications. There are likely to be increased costs for the council or activity providers in setting up systems for parents to make payments for activities.	<b>Approx £20,000</b>	<b>Initial estimate</b>
<b>Total estimated additional costs</b>	<b>approx £32,000</b>	

<b>Total estimated net savings (based on lowest forecast savings and highest forecast additional costs)</b>	<b>£550,000</b>
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#### 4.4 Legal Implications

##### 4.4.1 The Children Act 1989 (CA 1989), which imposes:

- a duty on councils to safeguard and promote the welfare of children in their area who are in need by providing a range and level of services appropriate to those children's needs (*section 17(1)*). This includes, specifically, disabled children (*section 17(11)*); and
- a duty on every council to provide services designed to assist individuals who provide care for disabled children by giving them breaks from caring (*paragraph 6(1) of Schedule 2*). Paragraph 6(2) stipulates that this duty must be performed in accordance with the Breaks for Carers of Disabled Children Regulations 2011 (*SI 2011/707*).

4.4.2 We will continue to offer a mixed-economy of support to families with disabled children, including grants, clubs and overnight respite. The proposal is to change the criteria for the short breaks grant and SNIPs clubs, so that we can continue to provide the service for those who would not be able to pay for this themselves.

##### 4.4.3 The Breaks for Carers of Disabled Children Regulations 2011 (the Breaks for Carers Regulations), which provides that in performing the duty under paragraph 6(2) of the CA 1989, a council must:

- have regard to the needs of carers who would be unable to continue to provide care unless they were given breaks from caring, or would provide care more effectively if they were given breaks (*regulation 3*);
- provide, so far as is reasonably practicable, a range of services which would assist carers in accordance with regulation 3. In particular, a council must provide services to assist carers during school holidays "as appropriate" (*regulation 4*); and
- prepare a statement for carers in their area, known as a "short breaks services statement", which details the services provided in accordance with regulation 4 and how this is designed to meet the needs of carers (*regulation 5*).

4.4.4 We continue to offer a mixed-economy of support to families with disabled children, including grants, clubs and overnight respite, to ensure that families get the support they need in order to stay together and strive as a family. Support is available year-round, including school holidays.

We have a short breaks statement in place and this will be reviewed in line with the

proposed changes. We are also looking at how we communicate the offer and how we can make this clearer and easier to understand.

4.4.5 **The Children Act 2004 (CA 2004)**, which imposes a duty on a council to make arrangements for ensuring that its functions are discharged having regard to the need to safeguard and promote the welfare of children (*section 11(2)*).

- The Children and Families Act 2014 (CFA 2014), which imposes a duty on a council to:
  - keep under review its social care provision for children with disabilities (*section 27(1)(a)*);
  - consider the extent to which that provision is sufficient to meet the social care needs of young people (*section 27(2)*); and
  - consult with a range of specified local bodies when it exercises the functions imposed by section 27 (*section 27(3)*).

4.4.6 We undertake an annual sufficiency report across children's services, based on placement, demand and provision of support. Our improvement boards and annual budget/service planning are also the technical routes through which we review our functions and service delivery.

We are currently reviewing the short breaks offer, with a view to making sure we have the right types of support to meet the level of demand, and to ensure those who need help the most receive that support. We are looking at the range of services available, the communication of the offer, accessibility and processes.

The consultation is the first step on this path, looking specifically at the short breaks grant and SNIPs clubs, being the lowest level of support in the offer.

4.4.7 In addition, section 149 of the **Equality Act 2010 (EqA 2010)** requires a public authority to have due regard to the following needs in the exercise of its functions:

- To eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the EqA 2010.
- To advance equality of opportunity between those who have a protected characteristic (of which disability is one) and those who do not.
- To foster good relations between those who have a relevant protected characteristic and those who do not.

This is commonly referred to as the **public sector equality duty (PSED)**

- 4.4.8 We took action to reach a wide range of people with the consultation, with additional help available via phone or email for those who needed it, translation into the six most-used languages in Sheffield via LanguageLine. We provided over-the-phone completion of the questionnaire for those with difficulties taking part, and offered a bespoke 1:1 translator for one individual who wanted to take part but was a non-English speaker.

We included some equalities questions in the questionnaire and monitored these throughout to ensure reach. We took action to widen the communications when we thought that reach wasn't what we needed in a certain area.

We carried out a comprehensive EIA before and after the consultation, to assess potential impact and whether this would be greater for those with protected characteristics.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 One option considered was to end the Council's Short Breaks Grant programme altogether. The Council has no statutory duty to provide a Short Breaks Grant. However, early consultation with parents and families suggested that a large number of families access the Short Breaks Grant and no other service from the Council. It therefore acts as a preventative support to help families maintain their caring responsibilities. This option was therefore rejected.
- 5.2 Another option considered was not to make any changes to the eligibility, age limit, or income threshold for accessing the grant, but just to reduce the overall grant amount from £400 to £200. Again, early consultation suggested this option, whilst relatively simple and easy to implement, is a 'one size fits all' approach. The option was therefore rejected in favour of the final proposals, which are fairer and will target the council's resources to help those that need it most.
- 5.3 When considering the income eligibility, the original proposal was to exempt families on benefits, which would have meant an income threshold of around £16,000 per year. However, early consultation led us to conclude that a higher threshold was necessary to account for the fact that families with disabled children often have higher outgoings and costs, as well as the fact that many families can be working but still struggling on a low income. The £21,000 threshold also aligns with the support the council gives to families for school transport.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 Sheffield City Council is committed to supporting disabled children and their families through a range of services, and wants to maintain where possible the preventative support to families to help them lead their lives.
- 6.2 At the same time, the increasing and ongoing pressure on public finances mean the council has to make difficult decisions as fairly and reasonably as possible.

- 6.3 The proposals set out in this report have been consulted on with families and will make the processes for Short Breaks Grant and SNIPs clubs fairer, ensuring help is given to families who need it most.
  
- 6.4 We have assessed the level of impact - the number of families affected, in what ways they are affected and the financial implications to them – and propose that the recommendations herein are reasonable and practical. Where any individual family is significantly affected by any changes we will work with them to address this through other service provision if appropriate.

