

**FULFILLING THE BREAKS FOR CARERS OF DISABLED
CHILDREN REGULATIONS 2011**

REPORT OF THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

**STRATEGIC PRIORITY/PRIORITIES: Attractive and Inclusive City
CORPORATE IMPROVEMENT PRIORITY/PRIORITIES: Delivering
Customer Focussed Services**

1. Why has this report come to the Committee?

- 1.1 The Children Act 1989 places a duty on local authorities to provide breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively. The Breaks for Carers of Disabled Children Regulations 2011 give more detail on how local authorities must fulfil their duty to provide breaks from caring, including a requirement to produce a Short Breaks Statement which must be published on the Council's website in October 2011.
- 1.2 Non-statutory advice from the Department of Health states that Local Authorities should consider how best to ensure strategic sign off and shared accountability locally for the statement and the services to which it refers. Members are therefore asked for their views and comments on the draft Statement as part of the process of consultation with Stakeholders.

2 Background

- 2.1 The Aiming High for Disabled Children Programme (AHDC) was a high profile Government initiative in which Sunderland played a national role as a short break Pathfinder and Change Champion. During the 3 year programme £2.23m revenue funding and £410k capital funding was made available to Sunderland and enabled significant progress to be achieved in providing regular, reliable and flexible short breaks for families with disabled children. The programme came to an end on 31 March 2011. The coalition government have since made additional funding for short breaks available through the Early Intervention Grant.
- 2.2 On 1 April 2011 the Breaks for Carers of Disabled Children Regulations 2011 came into effect. These provide further detail on how Local Authorities must perform their duty in the Children Act 1989 to provide breaks from caring for carers of disabled children. The intention of the new regulations is to embed the progress achieved through AHDC in

core funding beyond 2011. The regulations stipulate that Local Authorities must:

- Publish a statement of their short breaks services on their website
- Keep their short breaks statement under review
- State in their short breaks service statement the range of short break services available, the criteria by which eligibility for services will be assessed, and how the range of services is designed to meet the needs of families with disabled children in their area

3. Current position

3.1 The Department for Education has issued non-statutory advice for Local Authorities to help them understand how to fulfil their duties under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011. The advice states:

- Short breaks should not just be there for those at crisis point
- Access to short breaks must not be judged on impairment alone
- The Local Authority must provide a range of short break services
- Short breaks should be culturally appropriate
- Short breaks should be reliable and regular to best meet families' needs
- Parents should be engaged in the design of local short break services
- Short breaks can build on and be offered by universal service providers
- Local Authorities should work in partnership with health services to understand the range of short break services in their area and to train the workforce
- Local Authorities must give families the choice to access short break services using a direct payment
- Short break services can be a key service to promote greater levels of confidence and competence for young people moving towards adult life

3.2 A draft short break services statement has been produced in consultation with colleagues from Children's Services, Leisure Services, the TPCT, City Hospitals Sunderland, the voluntary and community sector including Sunderland Carers Centre, and schools. The main audience for the statement will be families with disabled children therefore the statement is designed to be succinct and written in plain English.

3.3 Further consultation with all stakeholders, including disabled children and their families will take place during July and August 2011 to produce a shared, strategic short break services statement.

4. Conclusion

- 4.1 Under the Breaks for Carers of Disabled Children Regulations 2011, the Council is required to produce a Short Breaks Services Statement which must be published on the Council's website in October 2011.
- 4.2 A draft short break services statement has been produced in consultation with stakeholders.
- 4.3 Consultation with the committee on the draft statement is part of a period of consultation with all stakeholders.

5 Recommendation

- 5.1 Members are invited to consider the draft short break services statement in the light of the non-statutory advice issued by the Department for Health and to comment upon its suitability as a statement that reflects the city's approach to short break services for families with disabled children.

6. Background Papers

- 6.1 Department for Education. Short breaks for carers of disabled children. Advice for local authorities.

7. Glossary

AHDC – Aiming High for Disabled Children

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