

Short Breaks for Disabled Children and new Direct Payment Policy review

Report of the Head of Service - Disabled Children's Service, Children's Social Care

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee be asked to:

- (a) Recommend that the Disabled Children's Service Direct Payment Policy be presented to Cabinet for review.
- (b) Note the activity of the Short Break Project Board to reshape the short break offer for children, young people and families, including the preparation of the Short Breaks Commissioning Strategy.

2) Introduction

This report sets out the background work leading to an updated Direct Payments Policy (Disabled Children's Service) (Appendix 1) being prepared, in order to seek the review of this policy within Children's Scrutiny Committee.

A Direct Payment is one of the ways in which disabled children, young people and families are provided with support to meet their assessed needs, particularly in relation to the provision of short breaks and support.

The need to review the Direct Payments Policy has been identified for the following reasons:

- Listening to families who access direct payments, it has been evident that the previous Direct Payment Policy did not provide the specificity needed to help families and officers plan for the use of direct payments for short break support well.
- The Devon Audit Partnership review of direct payments highlighted that the Direct Payments policy was out of date (last reviewed in 2016) and needed to be reviewed and updated, alongside improved controls and measures around the use of direct payments.
- There is a need to ensure that the Direct Payment policy is aligned with the wider short breaks improvement work being undertaken.

The Short Breaks Project Board is in place and overseeing the improvement work in relation to short breaks support for disabled children, young people and their families in Devon. Parent Carers Forum Devon are members of the Board and this enables the Board to ensure work keeps improvements for children and families at the heart of all work. The key strands of work overseen by the board are:

- Development of a Short Break Commissioning Strategy 2021-25 to deliver the commissioning intentions which have been developed in partnership with families.
- Improvements to Disabled Children's Service Support and Advice pathway for support for families, information and helplines, requests for help, assessment, short break planning and reviews.
- Direct Payments improvement plan with specific actions to improve controls and measures as recommended by Devon Audit Partnership in their review. The direct payment policy review is included in this improvement plan.

3) Background information

3.1 Short Breaks for Disabled Children

Short Breaks for disabled children, young people and families are important in contributing to the range of support that families may need. The purpose of Short Break support is to provide parents a chance to have a break from their caring role by allowing them some 'time out' to do something they would like to do for themselves. Short breaks also to enable disabled children and young people to be supported at home and within their local community, giving opportunities for children and young people to take part in activities, meet new people and enjoy positive learning opportunities and different experiences.

When an assessment identifies that the needs of the child, young person and their family means that services are required to meet the assessed need to provide a short break, a short break plan will be agreed with the family.

Short breaks can last between a few hours, up to a whole weekend, or during the school holidays. They can take place at home, in the community or in a residential setting. Childcare settings can sometimes be used as venues for short break activities.

Support is also available in the home through short breaks, either to offer a child or young person's parents additional support while they are there or to allow family members to take a break from their caring role.

Direct Payments can be provided to parents, or young people over 16 years old instead of the local authority arranging for services to be provided. Families can then use that payment to buy the necessary services to meet the assessed needs.

3.2 Our current position in Devon

Short break support for disabled children, young people and families is coordinated by the Disabled Children's Service. Some children have an allocated social worker in Disabled Children's Service (around 300 children) and short breaks may be provided as part of the child's support plan. Most children known to Disabled Children's Service are supported through the Support and Advice Teams. These teams undertake the short breaks assessment, coordinate the short breaks support plan, and review the plans.

In February 2023, 1735 children were supported by Disabled Children's Service. Of these children and families, 1439 children are provided with short break support through the Support and Advice teams. 1403 children are supported through direct payments.

Our annual spend on short breaks support for disabled children is in the region of £5M.

From our benchmarking work with other local authorities, we know that a higher number of children, young people and families are supported through an individual short breaks plan which is coordinated by Disabled Children's Service and subject to annual reviews. In many other local areas, a graduated approach to short breaks has been achieved which offers a range of short break activities available for families which can be accessed directly, without the need for a full assessment and review.

During 2021/22 Children's Commissioners have prepared a Short Breaks Commissioning Strategy (Appendix 2) which will shape the future development of our short breaks offer in Devon. This will make best use of the available resources to provide families with short break opportunities which will contribute to positive outcomes being achieved.

Through this work it has been identified that there are a range of challenges with regard to short break support and the provision made through direct payments. The identified challenges include:

- Many families are unable to make short break arrangements through direct payment easily, and therefore not supported in the way we hope.
- Families report that they are unable to find local activities where their children are welcome and included. This is creating a reliance on 1:1 support to enable children and young people to be included which is a higher cost option to meet assessed needs.
- There are difficulties with recruiting enablers through direct payments who have the skills and experience needed to support children, young people and families with more complex needs, particularly with regard to supporting young people with behavioural and communication needs.
- We are over-reliant on direct payments to provide short breaks and we need to invest in a wider range of short break and support services for disabled children and families which can be commissioned. This enables direct payments to be re-positioned as a positive choice for families.
- The number of families being supported through Disabled Children's Service is high, impacting on ability of service to provide the quality of support needed and regular reviews for families most in need.

3.3 Direct Payment Policy update

The Direct Payment Policy has not been fully updated since 2016. While the statutory regulations and detailed guidance set out the scheme for the use of direct payments, the purpose of the direct policy is to set out the local arrangements for this.

Through the work of the Short Breaks Project Board, Disabled Children's Service and Children's Commissioning Team have sought the views of families about the experience of

short break support and improvements needed. Listening to families who are in receipt of direct payments, through the engagement sessions, it has been identified that there is a need for increased clarity on the use of direct payments and fair and consistent decision making in how support is provided. An internal review of the resource allocation tool identified that this was not fit for purpose in meeting the needs of children and families within Devon. The need for an updated policy has also been brought to the attention of the service through a Devon Audit Partnership review.

As a result, the Direct Payment Policy (Disabled Children's Service) has been prepared (Appendix 1). The intention of the policy is to achieve transparent, consistent practice and approach for disabled children, young people and families accessing direct payments and ensure that Devon County Council meets its statutory obligations in relation to legislation and guidance. It will provide families, young people, and professionals with clarity about the resources that are available to meet an individual child or young person's needs and the opportunity to have more control over how that support is provided.

This policy covers direct payment support for social care for eligible children and young people who are aged up to 18.

The key changes from the 2016 direct payment policy are:

- Increased clarity on the function, use and limitation of Direct Payments
- Refocus on Direct Payments as part of a graduated short breaks offer
- Resource Allocation System replaced with Decision Support Framework
- Clarity on financial spend alignment with social care planning and outcomes
- Separation of DCS Direct Payments from Personal Budgets.

We are working with Devon's Ambassador Volunteers to help review the policy layout and how information about the direct payments policy is presented to enable this to be accessible, clear and helpful to families. This feedback will inform the final draft of the policy before it is presented to Cabinet to seek approval.

4) Options / Alternatives

This report considers the updated Direct Payment Policy (Disabled Children's Service).

Option 1: Do nothing and continue with existing Direct Payment Policy

This option would see the continued use of the Direct Payment Policy which was last reviewed in 2016.

This option does not ensure that the policy is appropriate and suitable at this time. It does not address the need for clarity to support both families and officers in the arrangements for direct payments that has been identified. It does not address the action highlighted by Devon Audit Partnership in following their review.

For the reasons above, this is not a recommended option.

Option 2: Approve and implement the updated Direct Payment Policy (Disabled Children's Service).

This option would see an up to date Direct Payments Policy in place within Disabled Children's Service to support the arrangements for the use of direct payments when this is requested by a family to meet assessed need as set out the short breaks support plan.

This change is one element of a programme of work to improve our short breaks offer for disabled children in Devon by providing a clear framework when direct payments are provided.

For these reasons, option 2 is recommended in this report.

5) Financial Considerations

The implementation of a new Direct Payment Policy (Disabled Children's Service) does not incur significant financial resources to achieve. However, the policy itself provides clarity regarding use of public funds through the mechanism of direct payments. Therefore, it will contribute to ensuring we have the appropriate framework, controls and measures in place to oversee the financial impact of the use of direct payments.

6) Legal Considerations

The lawful implications of the proposals have been considered and taking into account in the preparation of the Direct Payments Policy, this report, and the recommendations set out above.

7) Environmental Impact Considerations (Including Climate Change)

An Impact Assessment (Appendix 3) has been prepared in relation to the Direct Payments Policy.

There are no environmental impact considerations arising from this report. This document is attached for review.

8) Equality Considerations

An Impact Assessment (Appendix 3) has been prepared in relation to the Direct Payments Policy, and includes an Equalities Analysis. This document is attached for review.

There are no negative impacts from an equalities' perspective anticipated from the approval of the Direct Payments Policy.

There is a need to ensure the information about the Direct Payments Policy is accessible to families, and available in accessible formats and this will be followed up through the Short Breaks Project Board.

9) Risk Management Considerations

This policy has been informed by feedback received from families to date. In its preparation, advice has been taken from Finance and Legal. It also addresses findings from recent Devon Audit Partnership reviews. As such, the policy has been assessed to consider necessary safeguards of the Council's position.

The risks linked to Direct Payments currently feature in the Corporate Level risk register and the work on the policy is part of a suite of activity to address this.

The Short Breaks Project Board risk register takes account of the risks associated with our ability to develop a graduated short break offer in Devon and build confidence with families in this offer, which is fundamental to addressing the previously mentioned over-reliance on direct payments and re-shaping an offer which provides the choice required to better meet the needs of families.

10) Summary / Conclusions / Reasons for Recommendations

The implementation of the new Direct Payments Policy (Disabled Children's Service) will ensure that there is an up to date policy in place to deliver the statutory regulations and guidance for this area of social care support for disabled children and their families.

The policy is one element of a range of work being undertaken to ensure that Children's Services have the appropriate controls, measures, and arrangements in place to be able to provide direct payments for children, young people and families, in order that families can successfully arrange support to meet the assessed needs and outcomes in their plan.

The approval of recommendation 1 will reflect that the Direct Payment Policy draft has had the benefit of the review and scrutiny of Committee Members prior to final sign off by Children's Services and consideration of approval at Cabinet.

The Short Breaks Project Board will continue to oversee the wider improvement work to develop the short breaks offer for disabled children, young people and their families in Devon and monitor the achievement of financial savings and best value through the delivery of this plan.

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Local Government Act 1972: List of background papers

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