
Short Breaks Services Statement

Committee considering report:	Executive
Date of Committee:	21 December 2017
Portfolio Member:	Councillor Lynne Doherty
Date Portfolio Member agreed report:	12 December 2017
Report Author:	Juliet Penley
Forward Plan Ref:	EX3397

1. Purpose of the Report

- 1.1 To seek the approval of Members to the updated Short Breaks Services Statement 2017. There is a statutory requirement to update and review the Statement annually. As part of the response to the Judicial Review of the decision to reduce the funding for short breaks in July 2016, the council undertook to hold a public consultation and then to review and publish the Statement this year.
- 1.2 Short Breaks are services which provide disabled children and young people with an opportunity to spend time away from their parents, socialising, gaining independence and having fun. They provide families with a 'break' from their caring responsibilities; they give parents a chance to relax or spend time with their other children.
- 1.3 The key changes to the 2017 Short Breaks Statement is the summary and analysis of the results of the public consultation which ran in June 2017, information about the council's transition funding for short breaks and future plans, and the developments with short breaks providers and services.

2. Recommendation

- 2.1 To approve the Short Breaks Services Statement 2017.

3. Implications

- 3.1 **Financial:** The statement explains the overall Short Break provision in West Berkshire. It includes the use and outcomes of the Council Transition Funding and the future plans and implications when this funding finishes in 2018.
- 3.2 **Policy:** None.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** The Council is legally required to consult, review and update annually their Short Breaks Services Statement. The legal requirements governing short breaks provision are explained in the statement and how these are met.
- 3.5 **Risk Management:** In response to the Judicial Review in 2016, the council was advised to undertake a full and wide ranging consultation and use the feedback from this to review

the Short Breaks Statement 2017.

3.6 **Property:** None.

3.7 **Other:** None.

4. Other options considered

4.1 To be legally compliant the council needs to have an approved and up to date Short Breaks Services Statement which is published.

Executive Summary

5. Introduction / Background

- 5.1 The council provides a range of short breaks for disabled children under the Breaks for Carers of Disabled Children Regulations 2011.
- 5.2 The law says that a local authority must provide, as far as is reasonably practicable, a range of services which is 'sufficient to assist carers to continue to provide care or to do so more effectively'. The Short Break regulations require local authorities to:
- Provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays
 - Provide parents with a Short Break Services Statement detailing the range of breaks and any eligibility criteria attached to them.
- 5.3 Following the Judicial Review in 2016 of the decision to reduce the council funding of short breaks, it was agreed that a public consultation would be undertaken in 2017 and the Short Breaks Statement reviewed and updated taking into consideration the feedback received. The council was challenged that the consultation undertaken in 2016 was insufficient to discharge its statutory duties.

6. Proposal

- 6.1 To approve the updated Short Breaks Services Statement. A public consultation was held in June 2017 which was open on the council website for 6 weeks. This was extensively promoted. The results and feedback from this consultation has been incorporated into the updated statement.
- 6.2 The statement has been reviewed and amended in order to ensure that it meets all the statutory requirements and also that it is hopefully easy to read and understand.
- 6.3 Legal services have been consulted on the process of reviewing the statement and advise that the contents meet the statutory requirements and is legally compliant.
- 6.4 Once approved this statement will be placed on the Council's website.

7. Conclusion

- 7.1 It is recommended that members approve the draft Short Breaks Services Statement 2017.

8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Short Breaks Services Statement 2017
- 8.3 Appendix C – Equalities Impact Assessment- Stage Two
- 8.4 Appendix D – Summary of Consultation Responses

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve Short Breaks Services Statement
Summary of relevant legislation:	The Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011. Also section 27 of the Children and Families Act 2014. Relevant guidance is; Department for Education: Short Breaks for Carers of Disabled Children.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Juliet Penley
Date of assessment:	11.10.17

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	Yes	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To approve the updated Short Breaks Statement
Objectives:	To have a reviewed statement which has incorporated feedback from public consultation and is up to date
Outcomes:	To publish a Statement which explains about local short breaks services which the public will understand.
Benefits:	Public will understand how the council discharges its short breaks duties

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender
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Short Breaks Services Statement

Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability	Families with a disabled child, disabled children	This document explains the short break services and how the council provides them
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
<p>Please provide an explanation for your answer:</p> <p>This document intends to promote and provide a greater degree of understanding to the public, but particularly families, parents and carers who have a disabled child, of how short breaks services are delivered locally.</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes
<p>Please provide an explanation for your answer:</p> <p>The decision will approve the review of an existing document to make it more up to date and relevant.</p> <p>There is likely to be some reduction in the type and range of short breaks due to the ending of transition funding in 2018. This could have a negative impact on disabled children and their families. This was raised by some respondents to the public consultation in June 2017.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Juliet Penley
Timescale for Stage Two assessment:	To Follow

Name: Juliet Penley

Date: 25.10.17

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.